

Wetlands Bureau Decision Report

Decisions Taken
05/09/2011 to 05/15/2011

DISCLAIMER:

This document is published for information purposes only and does not constitute an authorization to conduct work. Work in jurisdiction may not commence until the applicant has received a posting permit.

Decisions are subject to appeal, and are reviewed by the federal agencies for compliance with Section 404 of the Federal Clean Water Act.

APPEAL:

I. Any affected party may ask for reconsideration of a permit decision in accordance with RSA 482-A:10,II within 30 days of the Department's issuance of a decision. Requests for reconsideration should:

- 1) describe in detail each ground for complaint. Only grounds set forth in the request for reconsideration can be considered at subsequent levels of appeal;
- 2) provide new evidence or information to support the requested action;
- 3) Parties other than the applicant, the town, or contiguous abutters must explain why they believe they are affected; and
- 4) Be mailed to the DES Wetlands Bureau, PO Box 95, Concord, NH 03302-0095.

II. An appeal of a decision of the department after reconsideration may be filed with the Wetlands Council in accordance with RSA 482-A:10, IV within 30 days of the department's decision. Filing of the appeal must:

- 1) be made by certified mail to George "Chip" Kimball, Chairperson, Wetlands Council, PO Box 95, Concord, NH 03302-0095 (a copy should also be sent to the DES Wetlands Bureau);
- 2) contain a detailed description of the land involved in the department's decision; and
- 3) set forth every ground upon which it is claimed that the department's decision is unlawful or unreasonable.

MAJOR IMPACT PROJECT

2003-02509

ALTON BAY CHRISTIAN CONFERENCE CENTER, RICHARD SMI

ALTON Lake Winnepesaukee

Requested Action:

The Applicant requests reconsideration of the Department's decision to deny the request to permanently retain approximately 437 square feet of fill placed in public waters for the purpose of constructing a temporary access road on the grounds that the deadline for review of the application was not met.

Conservation Commission/Staff Comments:

Con Com recommends denial of fill in public waters

Inspection Date: 04/14/2004 by Darlene Forst

Inspection Date: 08/26/2004 by Dale R Keirstead

Inspection Date: 10/14/2006 by Jeffrey D Blecharczyk

APPROVE RECONSIDERATION:

Approve reconsideration of the request to: Retain approximately 437 square feet of fill in public waters for an access road.

With Conditions:

1. All work shall be completed and maintained in accordance with plans by NH Soil Consultants, Inc. dated November 15, 2004, as received by the NH Department of Environmental Services (DES) on November 22, 2004.
2. Any future work on this property that is within the jurisdiction of the DES Wetlands Bureau as specified in RSA 482-A will require a new application and approval by the Bureau.
3. All activities shall be in accordance with the Comprehensive Shoreland Protection Act, RSA 483-B. The owner is responsible for obtaining any Shoreland Permit that may be required per RSA 483-B, for construction, excavation or fill that will occur within the Protected Shoreland.

With Findings:

Grounds for Reconsideration

1. The Applicant maintains that the application was subject to the timeframes for review established in RSA 482-A:3, XIV, (a) and that the application is statutorily approved since those timeframes were not met.

Standards for Approval

1. In accordance with RSA 482-A:10, III, Appeals, "On reconsideration, the department shall receive and consider any new and additional evidence presented, and shall make findings of fact and rulings of law in support of its decision after reconsideration."
2. This project is classified as a major impact project per Rule Wt 303.02, (n), fill in public waters for the purpose of making land.
3. In accordance with RSA 482-A:3, XIV, (a), (3), within 30 days of the receipt of a complete response to a request for additional information made by the Department pursuant to RSA 482-A:3, XIV, (a), (2), the Department shall either issue a decision or agree to extend the deadline for response. Failure to take either of these actions within the 30 days allotted shall result in the application being "deemed approved."
4. Pursuant to RSA 482-A:2, VI, "Person" shall mean any natural person, firm, partnership, association, corporation, company, organization or legal entity of any kind including municipal corporations, governmental departments and agencies, or their subdivisions.
5. Pursuant to RSA 482-A:16, "No person shall place or cause to be placed any fill in any area below the mean high water level of any public waters or below the artificially-created high water level of publicly-owned bodies of water in this state with the intent or with the effect of creating or forming filled land adjacent to such bodies of water, except as provided in this subdivision."
6. Pursuant to RSA 482-A:17, Grant of Right, "The governor and council, upon petition and only upon the recommendation of the

department, may, for just consideration, grant to an owner of shoreline on public waters the right to place fill in the bed of such pond before the owner's shoreline."

Findings of Fact

1. On November 20, 2003, the Department issued an Emergency Authorization Verification to temporarily place 437 sq ft of fill in the lake and permanently impact 120 sq ft for culvert work. The emergency approval required submittal of a follow-up application by February 20, 2004. This fill was originally placed on the basis this was a temporary impact necessary to facilitate the removal of structures destroyed by fire. In accordance with Item # 18 on the approved plans by NH Soil Consultants Inc, the fill was to be removed from the jurisdiction of the Department after removal of the damaged structures.
2. On August 27, 2004, the Department received a Standard Dredge and Fill application proposing to retain the fill in public waters as a permanent emergency access road and install a culvert in an intermittent drainage.
3. On September 24, 2004, the Department issued a Request for More Information as part of the wetlands application review.
4. On November 22, 2004, the Department received a response to the Department's September 24, 2004 Request for More Information, which included plans depicting the project prepared by NH Soil Consultants, Inc. dated November 15, 2004.
5. On January 26, 2011, the Department denied the Applicant's after the fact request to permanently retain approximately 437 square feet of fill originally placed in public waters for a temporary access road on the grounds that the Applicant had failed to document the need for the impacts as required per Rule Wt 302.04(d) and that the fill in public waters does not provide a public benefit.
6. On February 25, 2011, the Department received a Reconsideration Request dated February 25, 2011. This reconsideration included a stamped surveyed plan by Bryan L Bailey titled As-Built Site Plan, dated April 24, 2007, of the existing conditions but did not include any new information supporting the need to retain the fill in the public trust.
7. Field inspections conducted by DES staff after the plans were received on November 22, 2004 and review of the as-built plan submitted with the request for reconsideration have found that the project was not completed in accordance with the plans submitted to the Department.
8. The Department will neither make petition to, nor recommend to, the Governor and Executive Council, that the Applicant be granted the right to place fill in the bed of Lake Winnepesaukee before their shoreline.

Rulings in Support of Denial

1. The placement of the fill within public waters occurred after the adoption of RSA 482-A:3, XIV relative to time frames for review but prior to the adoption of subparagraph (b) which exempts after-the-fact applications from those time frames.
2. The Department did not issue a decision nor request addition time for review within 30 days of the November 22, 2004 response to the Request for More Information. Therefore the project as proposed and depict in the November 22, 2004 response is "deemed approved."

2009-01574 LYME, TOWN OF LYME Unnamed Wetland Post Pond

Requested Action:

Request for reconsideration of Wetlands and Non-Site Specific Permit Amendment 2009-01574 approval issued on January 11, 2011.

DENY RECONSIDERATION:

Deny request for reconsideration of Wetlands and Non-Site Specific Permit Amendment 2009-01574 and reaffirm approval to impact 61,013 square feet of wetlands for the reconstruction of an existing multi-use athletic field and to rehabilitate picnic area and beach. Impacts to wetlands include filling and grading 50,180 square feet for the existing recreational fields and adjacent areas; and 10,813 square feet for the rehabilitation of existing picnic areas. Compensatory mitigation includes conservation of the Lyme Hill Wetland property to be transferred to the Upper Valley Land Trust.

With Findings:

The request for reconsideration asserts the following as the basis for the request:

1. The appellant alleges that the abutters to the project were not notified of the change in the mitigation proposal. The appellant further alleges that in a letter dated 2/18/2010, DES requested the applicant to notify abutters to the project.
2. The appellant alleges that the project proposed by the Applicant has been impermissibly segmented and thus essentially misrepresented to the Department. The appellant further alleges that the Lyme Recreation Project requires that the water level in the entire 134-acre Post Pond Ecological Area be lowered; that raising the field and lowering the pond are a single project, in which lowering the pond would save money for the recreation area.
3. The appellant alleges that pursuant to RSA 482-A:11, II the project should be denied as it infringes on the property rights of abutters and adversely affects the value or enjoyment of property of abutters. The appellant further alleges that the applicant seeks to maintain the water level by breaching beaver dams.
4. The appellant alleges that the permit should be denied under Env-Wt 302 as the applicant has not demonstrated the need for the project; that the project is not the least impacting alternative; nor that wetland impacts have been avoided and minimized based on the following:
 - a. alleges that the associated wetlands that would be impacted by lower water levels were not described in the application and the impacts to these wetlands were not part of the avoidance and minimization of impacts.
 - b. alleges that the construction of a perched beach would avoid impacts to wetlands and surface waters.
5. The appellant stated that they would drop their opposition to this permit if the following condition is added to the permit: "The permittee shall not lower the water level of Post Pond below NMHW (428.8 ft NGVD, or 3 feet on the local gauge)."

B. Standards and Process for Review

1. RSA 482-A:10, II requires a request for reconsideration to describe in detail each ground for complaint. No ground not set forth in the request for reconsideration can be considered by the Wetlands Council or the Superior Court (if further appeal is taken), except as provided in paragraph VIII of that section.
2. RSA 482-A:10, III provides that on reconsideration, the Department will receive and consider any new and additional evidence presented, and make findings of fact and rulings of law in support of its decision after reconsideration.
3. RSA 482-A:10, V provides that the burden of proof is on the party seeking to set aside the Department's decision to show that the decision is unlawful or unreasonable.
4. If the Department is persuaded by a request for reconsideration of a permit denial was erroneous, the result is that the permit originally requested would be granted.

C. Findings of Fact and Rulings of Law

1. Pursuant to Administrative Rule Env-Wt 302.03, the applicant shall demonstrate that potential wetland impacts have been avoided to the maximum extent practicable and, that any unavoidable impacts have been minimized and, that for permanent impacts that remain following avoidance and minimization measures, the applicant shall provide a compensatory mitigation in accordance with Chapter Env-Wt 800.
2. Pursuant to Administrative Rule Env-Wt 302 .04, Requirements for Application Evaluation for any major or minor project the applicant shall demonstrate by plan and example that factors specified in Env-Wt 302.04(a)(1)-(20) have been considered in the project's design, including, but not limited to, the need for the proposed impact; the alternative proposed is the one with the least impact to wetlands and surface waters on the site; the relationship between the proposed wetlands to be impacted and the nearby wetlands and surface waters.
3. Pursuant to Administrative Rule Env-Wt 303.05(j), removal of a beaver dam by hand or machine may be conducted without a permit provided that the requirements of Env-Wt 303.05(j)(1)-(3) are followed.
4. Pursuant to RSA 482-A:3 no person shall excavate, remove, fill, dredge, or construct any structure, without a wetlands permit from DES, except as specifically exempted by statute or rule.
5. Pursuant to RSA 482-A:11, II, no permit to dredge or fill shall be granted if it shall unreasonably affect the value or enjoyment of abutting property owners.
6. Pursuant to RSA 482-A:3, I,(d)(1), at the time the permit application is submitted to the town clerk, the applicant shall submit postal receipts verifying that abutters have been notified.
7. Pursuant to RSA 482-A:3, XIV,(e), any request for a significant amendment to an existing permit which changes the footprint of the permitted fill or dredge area shall be deemed a new application and subject to the provisions of RSA 482-A:3, I, [which includes notification of abutters]. "Significant amendment" means an amendment which changes the proposed or previously approved acreage of a permitted fill or dredge area by one or more of several factors as described within RSA 482-A:3,XIV(e).
8. On 10/20/2008 DES Wetlands Bureau received a copy of a letter dated 10/17/2008 from DES Assistant Commissioner Mike

Walls addressed to Ms. Judith Barker, in response to her inquiry about the high water level of Post Pond in Lyme. The letter stated, in part, that the Town and other property owners are within their rights to regulate the actual water level in Post Pond through a locally adopted Water Release Policy.

9. On 7/10/2009 DES received an application from the Town of Lyme to temporarily impact 1,455 square feet of wetland, and permanently fill 59,558 square feet of previously disturbed wetland to improve existing town recreation facility athletic fields, the picnic area and to retain sand placed on the beach. Submitted as a compensatory mitigation proposal was a Conservation Easement ("CE") on 25 acres including property along Post Pond, Little Post Pond, Trout Brook, and Clay Brook, known as the Chaffee Wildlife Sanctuary, with the easement to be held by the Upper Valley Land Trust ("UVLT").

10. On 7/23/2009 DES deemed the application administratively complete.

11. On 8/3/2009 DES received comments from the Lyme Conservation Commission ("LCC") dated 7/23/2009. Attached to the comment letter were several reports, including "Post Pond, Lyme, NH Wetland Evaluation and Impact Assessment", Normandeau Associates, December 2006; "Lyme Conservation Commission Post Pond Water Release Policy", Revision 5, Adopted 6/9/2004, Rev.5 approved 4/21/2008; "Preliminary Report: Post Pond and Trout Brook Flood Study", Pathways Consulting LLC, 4/2/2004; "Ecological Study Focused on Post Pond Water Level", Watershed to Wildlife, November 2008.

12. The 7/23/2009 comments from the LCC stated that the LCC generally supported the reconstruction and improvement of the town's recreational facilities at Post Pond, and that the LCC anticipated that the improvements at the area could help resolve conflicting management prescriptions between recreational and conservation uses and achieve common goals at the facility. The comments also acknowledged that the proposal would follow the town's target water level for Post Pond at 2.0, as approved by town vote at the March 2008 Town Meeting.

13. On 8/6/2009, DES received a letter dated 8/4/2009 from Attorney Jed Callen on behalf of owners of land bordering Post Pond, requesting that DES hold a public hearing on the application.

14. On 8/20/2009, preliminary review of the application for the NH Programmatic General Permit ("NH PGP") by federal agencies associated with the US Department of the Army, Corps of Engineers permitting process, determined that the project was eligible as proposed to receive federal wetlands approval under the NH PGP. The reviewer was Mark Kern, of the US EPA.

15. On 8/27/2009 DES provided Attorney Callen's representative with a copy of the application file.

16. On 10/5/2009 DES issued a notice of public hearing relative to the application be held on 10/21/2009.

17. On 10/21/2009 DES held a public hearing on the application. A representative of the LCC, two Lyme selectmen, and seven other members of the public attended the hearing.

18. Comments dated 10/20/2009 from Attorney Jed Callen were received into the record of the hearing. The issues raised in the submission included a) impermissible segmentation of the project by virtue of the lowering of the pond from 3 feet to 2 feet to accomplish the project purpose, thereby affecting the entire pond and wetland system; b) that the lowering of the pond affects the nature of the wetland in front of certain pond abutters, thereby negatively affecting the value or enjoyment of their property.

19. On 10/30/2009 DES received supplemental objections dated 10/30/2009, from Attorney Callen, in part to a separate file 2006-2593, and in part to the current application relative to the desire of the applicant to lower the water level of the pond to save money on fill associated with reconstruction of the athletic field, and to increase the size of the beach.

20. On 12/22/2009 DES approved the request to impact 61,013 square feet of wetlands for the reconstruction of an existing multi-use athletic field and to rehabilitate the picnic area and beach. Impacts to wetlands included filling and grading 50,180 square feet for the existing recreational fields and adjacent areas and 10,813 square feet for the rehabilitation of the existing picnic areas. Compensatory mitigation for the project was included a CE on the Chaffee Wildlife Sanctuary.

21. The 12/22/2009 permit approval was supported by 16 findings, that included, in part, a finding that the applicant has provided evidence which demonstrates that this proposal is the alternative with the least adverse impact to areas and environments under the department's jurisdiction per Env-Wt 302.03; a finding that the applicant had demonstrated by plan and example that each factor listed in Env-Wt 302.04(a), Requirements for Application Evaluation, had been considered in the design of the project, and a finding that no changes in water quality or level "shall occur" (or were authorized) as a result of this project.

22. On 1/10/2010 the permittee informed DES through a series of emails that the language of the Chaffee Wildlife Refuge conservation easement deed that prevents water level manipulation was not acceptable.

23. On 1/21/2010 DES received a request for reconsideration of the 12/22/2009 permit approval from Attorney Callen, asserting the following issues a) impermissible segmentation of the project by virtue of the lowering of the pond from 3 feet to 2 feet to accomplish the project purpose, thereby affecting the entire pond and wetland system; b) that the lowering of the pond affects the nature of the wetland in front of certain pond abutters, thereby negatively affecting the value or enjoyment of their property, c) that the project did not meet the requirements of Env-Wt 302; and d) that the approved mitigation may not meet the requirements of Chapter Env-Wt 800 Mitigation due to the potential for the pond water level to change.

24. On 2/4/2010, DES received a copy of a letter dated 1/28/2010 from the Regulatory Division of the Department of the Army, Corps of Engineers, addressed to the Town of Lyme, confirming that the project was federally authorized to proceed under the NH

PGP.

25. On 2/18/2010 DES sent the permittee a letter stating that modification of the CE deed language to allow artificial water manipulations would result in disqualifying the easement as adequate mitigation for the project. The letter directed the permittee to look for another parcel, and advised that "...a change in the mitigation proposal will need to be treated as an amendment..."

26. On 7/30/2010 Attorney Callen requested copies of all documents from file 2009-1547 subsequent to the date 12/22/2009. No inquiry as to the status of the 1/21/2010 request for reconsideration was made.

27. On 8/18/2010 Attorney Callen reviewed the file at DES.

28. On 8/20/2010 DES received various email communications from parties related to the execution of the easement regarding the water level requirement in the CE deed being required to meet 3.0 feet. Attached to an email of this date was a letter dated 8/19/2010 from the Lyme Selectmen stating that they would not be using the Chaffee Sanctuary as mitigation, and would be searching for a different piece of property to fulfill the mitigation requirement of the permit.

29. In an email dated 8/20/2010, Matt Stevens of the LCC, responded to bureau compliance personnel that absent the protections associated with the CE on Chaffee, a previously required DES restoration action issued under file 2006-2593 stood on its own. He further stated that the beaver dams were now fully derelict and as a result the water was below 2 feet on the local gauge all summer.

30. Throughout the fall of 2010, the permittee and the UVLT coordinated with DES to obtain an acceptable alternative conservation parcel to fulfill the mitigation requirement.

31. On 12/30/2010 DES received a new mitigation proposal from the UVLT on behalf of the permittee.

32. On 1/11/2011 DES amended permit 2009-1574 to substitute the conservation of the Lyme Hill Wetland property for the originally-approved Chaffee Wildlife Sanctuary property, as compensatory mitigation for the project, with the finding that "The Department finds the new conservation parcel fulfills the intent of the mitigation rules and has higher environmental value."

33. On 2/9/2011 DES received a request for reconsideration of the 1/11/2011 amendment approval, from Attorney Callen, on behalf of eight persons who own property which abuts Post Pond and/or Clay Brook, asserting that the appellants were not notified of the request for the amendment, and reiterating the previous objections of impermissible segmentation, infringement upon abutters rights, and failure to avoid and minimize or provide least impacting alternative per Env-Wt 302.

34. On 3/11/2011 DES sent Attorney Callen notice that DES would require time beyond 30 days to complete review and response to the reconsideration.

35. On 3/25/2011 DES received a letter dated 3/23/2011 from Attorney Judith Whitelaw, representing the permittee, in response to the 2/9/2011 request for reconsideration.

36. On 3/28/2011 DES received a letter dated 3/25/2011 from Attorney Callen, in response to Attorney Whitelaw's 3/25/2011 letter.

37. On 4/8/2011 DES sent Attorney Callen notice that DES would require time beyond 30 days to complete its review and response to the reconsideration.

38. On 4/22/2011 DES sent Attorney Callen notice that DES had largely completed its review and would issue a decision by May 13, 2011.

39. With respect to the reconsideration filed by Attorney Callen on 1/21/2010, DES finds that the request for reconsideration raised objections to elements that were either expressed prior to approval of the permit, or were inherent in the review process. For instance, compliance with the requirements of Env-Wt 302, or potential impacts to the mitigation area, and were addressed in the approval findings. As a result the request contained no new information not previously considered by DES. As this information was not properly communicated to the appellant, DES has evaluated afresh the assertions made in the 1/21/2010 request in conjunction with review of the current request for reconsideration.

40. Upon review of the 1/21/2010 request and the current request for reconsideration, DES finds that the request for reconsideration received on 2/9/2011 reiterates the same assertions as the 1/21/2010 request, together with an additional element, failure to notify abutters of the amendment request. Also, assertions relative to the originally approved mitigation were deleted.

41. With respect to the allegation that the project is impermissibly segmented, DES finds that the direct wetland impacts permitted by the DES, and DES' wetlands authority over the water level of the pond are separate. DES wetlands regulations have no authority relative to controlling the level of the pond, demonstrated as follows:

a. The Town has the authority to set and lower the water level in the pond by local determination, as described in correspondence from Assistant Commissioner Walls, and which it did by official Town vote in 2008. The DES wetlands regulations have no authority to control the water level in Post Pond - the water level is determined by the Town of Lyme.

b. The pond level is already lowered as the beaver dams are now derelict. Further, beaver dams may be removed and their impoundments released without a wetlands permit pursuant to Env-Wt 303.05(j).

c. The essence of the request, the effect of the change in water level of the pond, is beyond the scope of the wetlands authority to regulate pursuant to RSA 482-A:3, as it does not represent excavation, dredge, fill, or construction of a structure in wetlands.

42. With respect to the allegation that the permit unreasonably affects the value and enjoyment of abutting properties, DES finds that this assertion is based on the effect of the lower water level of the pond. Finding 42 above establishes that the DES wetlands

regulations have no ability to control the water level in Post Pond, therefore affects to abutters from an activity over which DES has no authority can not be addressed through the DES wetlands permit process.

43. With respect to the allegation that the abutters were not properly notified of the amendment request, DES finds that abutter notification is required for a "significant amendment" request, pursuant to RSA 482-A:3, I. The request to substitute one mitigation parcel for another, with no change in the permitted direct wetlands impact, does not meet the definition of "significant amendment" pursuant to RSA 482-A:3, XIV,(e), and therefore abutter notification was not required under the wetlands statute.

44. DES finds that neither the previous, nor the current request for reconsideration, provide any new information not previously provided to, and considered by, DES in its original permitting action.

45. DES finds that the current request for reconsideration does not address the amendment, which was to approve a substitute mitigation site, except with respect to a perception of procedural error in abutter notification.

46. The appellant has not met their burden of proving that the Department's decision was unlawful or unreasonable.

D. Decision

Based on the foregoing, the Department affirms the decision to approve the subject application and subsequent amendment contained in DES file number 2009-01574.

2011-00300 DEUTSCH, IANE/STEVEN **GILFORD Lake Winnepesaukee**

Requested Action:

Dredge 32 cubic yards from 854 sq ft of lake bed adjacent to an existing "E" shaped docking structure with a breakwater on approximately 310 ft of frontage on Lake Winnepesaukee, in Gilford.

Conservation Commission/Staff Comments:

Con Com submttd comments requesting 1) a letter or authorization from the applicant providing the agent permission to act on thier behalf,

2) Information on company conducting the proposed work

3) the site address is incorrect on the application

DENY PERMIT:

Dredge 32 cubic yards from 854 sq ft of lake bed adjacent to an existing "E" shaped docking structure with a breakwater on approximately 310 ft of frontage on Lake Winnepesaukee, in Gilford.

With Findings:

Standards for Approval

1. Pursuant to RSA 482-A:3, I, (b), the permit application fee for minor and major shoreline structure projects shall be \$200 plus an impact fee, based on the area of dredge, fill, or dock surface area proposed, or a combination. The shoreline structure impact fee shall be \$.20 per square foot for dredge or fill surface area or both.

2. Pursuant to RSA 482-A:3, XIV, (a), (2), In processing an application for permit the department shall request any additional information that the department is permitted by law to require to complete its evaluation of the application, together with any written technical comments the department deems necessary. Any request for additional information shall specify that the applicant submit such information as soon as practicable and shall notify the applicant that if the requested information is not received within 60 days of the request, the department shall deny the application.

3. RSA 482-A:2, VIII, (a), defines "boat slip," as it would pertain to structures on Lake Winnepesaukee, as a volume of water 25 feet long, 8 feet wide, and 3 feet deep as measured at normal high water and located adjacent to a structure to which a watercraft may be secured.

4. Pursuant to Rule Env-Wt 302.01, (b), Statement of Purpose, need for the proposed impacts shall be demonstrated by the applicant

prior to department approval of any alteration of nontidal wetlands.

5. Pursuant to Rule Env-Wt 302.04, (a), (1), Requirements for Application Evaluation, the applicant shall demonstrate the need for the proposed impacts by plan and example.
6. Pursuant to Rule Env-Wt 501.02 (a), (2), (e), Additional Data Requirements, the applicant shall submit a drawing or drawings with the completed application that show an overview of the property and proposed impact areas in relation to the property lines.
7. Pursuant to Rule Env-Wt 501.02 (a), (2), (l), Additional Data Requirements, the applicant shall submit a drawing or drawings with the completed application that show the shoreline, surface waters, and their relation to the proposed project.
8. Pursuant to Rule Env-Wt 501.02 (c), (1), Additional Data Requirements, for projects affecting surface water shoreline, the applicant shall submit a drawing or drawings with the completed application that show the general shape of the shoreline including the length of frontage and the full water body elevation.
9. Pursuant to Rule Env-Wt 501.02 (c), (2), Additional Data Requirements, for projects affecting surface water shoreline, the applicant shall submit a drawing or drawings with the completed application that show the footprint of all existing and proposed structures on the property.
10. Pursuant to Rule Env-Wt 501.02 (c), (4), Additional Data Requirements, for projects affecting surface water shoreline, the applicant shall submit a drawing or drawings with the completed application that show the distance from existing and proposed work to abutting property lines.
11. Rule Env-Wt 303.02, (k) limits maintenance dredging, to the dredging of nontidal drainage ditches, man-made ponds, and spillways.
12. This project involves dredging for navigation and therefore, is classified as a major impact project per Rule Env-Wt 303.02, (g), dredge of more than 20 cu yd for public waters.

Findings of Fact

1. On February 4, 2011, the Wetlands Bureau received an application for surface water impacts on the lot identified as Gilford lot 27, tax map 218 to dredge 32 cubic yards from 854 sq ft of lake bed adjacent to an existing "E" shaped docking structure with a breakwater on Lake Winnepesaukee, in Gilford.
2. On March 22, 2011, the Wetlands Bureau issued a Request for More Information letter to the applicant. This letter requested \$170.80 in impact fees not submitted with the original application.
3. The Request for More Information letter also requested a plan showing complete dimensions for all existing and proposed structures, including structural supports, on the frontage relative to fixed points on the shoreline with distances from the structures to property lines.
4. On April 29, 2011, the Wetlands Bureau received a response from the Applicant to the Request for More Information letter.
5. The response to item #1 of the Request for More Information letter disputed the ability of the Department to assess filing fees. The response further disputed the Department's interpretation of the term "impact fee." The Applicant incorrectly underscores the assessment of impact fees on structural "area proposed" while overlooking the phrase "based on the area of dredge,..."
6. The response from the agent to item # 5 of the Request for More Information letter did not include plans of the entire frontage, support structures for the docking system, property lines or abutter setbacks.
7. At no time has a plan been submitted to the file which properly identifies the footprint of the existing breakwater, nor its dimensions as measured at normal high water as required per Rule Env-Wt 501.02 (c), (2).
8. At no time has a plan been submitted to the file which properly identifies the shoreline as required per Rule Env-Wt 501.02 (c), (1) and Rule Env-Wt 501.02 (a), (2), (l).
9. At no time has a plan been submitted to the file which properly shows the structures relative to property lines as required per Rule Env-Wt 501.02 (a), (2), (e), and Rule Env-Wt 501.02 (c), (4).

Rulings in Support of Denial

1. The Applicant has refused the Department's request for the submittal of plans showing details specifically required within the paragraphs of Rule Part Env-Wt 501. In accordance with RSA 482-A:3, XIV, (a), (2), the application for dredge is denied.
2. The Applicant has refused the Department's request for the submittal of the appropriate filing fees for the application as filed. In accordance with RSA 482-A:3, XIV, (a), (2), the application for dredge is denied.

MINOR IMPACT PROJECT

2010-00288 MCELROY, MICHAEL/ROSEMARY
SUTTON Blaisdell Lake

Requested Action:

Applicant requests that the permit be amended to abandon and remove the pre-existing boathouse and install a seasonal pier.

Conservation Commission/Staff Comments:

No Con Com comments by April 20, 2010

Inspection Date: 06/10/2010 by Chris T Brison

APPROVE AMENDMENT:

Amend permit to read: Permanently remove an existing boathouse, restore the shoreline to natural conditions, install a 7 ft x 4 ft concrete anchor pad, install a 6 ft x 34 ft seasonal dock, and install 4 ft wide access stairs over the bank on an average of 96 ft of frontage on Blaisdell Lake, in Sutton.

With Conditions:

1. All work shall be in accordance with plans by DB Landscaping LLC amended March 10, 2011, as received by the NH Department of Environmental Services (DES) on March 17, 2011.
2. This permit shall not be effective until it has been recorded with the county Registry of Deeds Office by the Permittee. A copy of the recorded permit shall be submitted to the DES Wetlands Bureau, by certified mail, return receipt requested, prior to construction.
3. Appropriate siltation and erosion controls shall be in place prior to construction, shall be maintained during construction, and remain in place until the area is stabilized. Silt fence(s) must be removed once the area is stabilized.
4. Appropriate turbidity controls shall be installed prior to construction, shall be maintained during construction such that no turbidity escapes the immediate dredge area, and shall remain until suspended particles have settled and the water at the work site has returned to normal clarity.
5. The boathouse shall be completely removed and the shoreline restored prior to the installation of the seasonal docking structure.
6. All construction related debris including the remnants of the boathouse cribs shall be placed outside of the jurisdiction of the DES Wetlands Bureau.
7. Work authorized shall be carried out such that discharges in spawning or nursery areas during spawning seasons shall be avoided, and impacts to such areas shall be avoided or minimized to the maximum extent practicable during all times of the year.
8. Work shall be carried out in a time and manner such that disturbance to migratory waterfowl breeding areas and spawning areas shall be avoided.
9. The new seasonal structure shall be the only structure on this water frontage and all portions of the docking structure shall be at least 20 ft from abutting property lines or the imaginary extension of those lines into the water.
10. The seasonal pier shall be removed from the lake for the non-boating season.
11. No portion of the pier shall extend more than 34 feet from the shoreline at full lake elevation.
12. All activities shall be in accordance with the Comprehensive Shoreland Protection Act, RSA 483-B. The owner is responsible for obtaining any Shoreland Permit that may be required per RSA 483-B, for construction, excavation or fill that will occur within the Protected Shoreland.

With Findings:

1. This is a minor impact project per Administrative Rule Env-Wt 303.03(g), removal of no more than 20 cubic yards of material from public waters.
2. The need for the proposed impacts has been demonstrated by the applicant per Env-Wt 302.01.
3. The applicant has provided evidence which demonstrates that this proposal is the alternative with the least adverse impact to areas and environments under the department's jurisdiction per Env-Wt 302.03.
4. The applicant has demonstrated by plan and example that each factor listed in Env-Wt 302.04(a), Requirements for Application Evaluation, has been considered in the design of the project.
5. DES Staff conducted a field inspection of the proposed project on June 15, 2010. Field inspection determined the proposed

structure to be more conforming with the Departments rules than repair of the structure in kind by locating the dock farther away from the abutter's property line.

6. The applicant is proposing to permanently remove an existing non-conforming boat house located with public waters.

7. The installation of a seasonal dock is less impacting than the reconstruction of the non-conforming boathouse within public waters.

8. The applicant has an average of 96 feet of shoreline frontage along Blaisdell Lake.

9. A maximum of 2 slips may be permitted on this frontage per Rule Env-Wt 402.13, Frontage Over 75'.

10. The proposed docking facility will provide 2 slips as defined per RSA 482-A:2, VIII and therefore meets Rule Env-Wt 402.13.

-Send to Governor and Executive Council-

2010-01894 LANNAN, STEPHEN
DERRY Island Pond

Requested Action:

Relocate an existing 4 ft x 32 ft 6 in seasonal dock and install a seasonal boat lift in the northern slip on 49 feet of frontage on Big Island Pond in Derry.

Conservation Commission/Staff Comments:

No comments from Con Com by 09/13/2010

APPROVE PERMIT:

Relocate an existing 4 ft x 32 ft 6 in seasonal dock and install a seasonal boat lift in the northern slip on 49 feet of frontage on Big Island Pond in Derry.

With Conditions:

1. All work shall be in accordance with plans by Long Beach Development Associates revision dated April 10, 2011, as received by the NH Department of Environmental Services (DES) on April 13, 2011.
2. This permit shall not be effective until it has been recorded with the county Registry of Deeds Office by the Permittee. A copy of the recorded permit shall be submitted to the DES Wetlands Bureau by certified mail, return receipt requested, prior to installation.
3. This permit shall not preclude DES from taking any enforcement or revocation action if DES later determines that any of the structures depicted as "existing" on the plans submitted by the applicant were not previously permitted or grandfathered.
4. This shall be the only structure on this water frontage and all portions of the docking structure shall be at least 20 ft from abutting property lines or the imaginary extension of those lines into the water.
5. Seasonal pier shall be removed from the lake for the non-boating season.
6. No portion of the pier shall extend more than 33 feet from the shoreline at full lake elevation.
7. The seasonal boat lift shall be removed for the non-boating season.
8. All activities shall be in accordance with the Comprehensive Shoreland Protection Act, RSA 483-B. The owner is responsible for obtaining any Shoreland Permit that may be required per RSA 483-B, for construction, excavation or fill that will occur within the Protected Shoreland.

With Findings:

1. This is a minor impact project per Administrative Rule Env-Wt 303.03(c), construction of a docking structure which exceeds the criteria for minimum impact docks.
2. The need for the proposed impacts has been demonstrated by the applicant per Env-Wt 302.01. 3. The applicant has demonstrated by plan and example that each factor listed in Env-Wt 302.04(a) Requirements for Application Evaluation, has been considered in the design of the project.
4. The applicant submitted dated water depths to support the need for the longer dock.
5. The applicant has an average of 49 feet of shoreline frontage along Big Island Pond.
6. A maximum of 2 slips may be permitted on this frontage per Rule Env-Wt 402.13, Frontage Over 75'.
7. The proposed docking facility will provide 2 slips as defined per RSA 482-A:2, VIII and therefore meets Rule Env-Wt 402.13.

2010-03423 THE LENDL FAMILY TRUST
LACONIA Paugus Bay

Requested Action:

Install a 6 ft x 30 ft pile supported dock accessed by a permanent walkway along the shoreline, on an average of 101 feet of frontage on Paugus Bay, Lake Winnepesaukee, in Laconia.

Conservation Commission/Staff Comments:

No comments from Con Com by Jan 25, 2011

APPROVE PERMIT:

Install a 6 ft x 30 ft pile supported dock accessed by a permanent walkway along the shoreline, on an average of 101 feet of frontage on Paugus Bay, Lake Winnepesaukee, in Laconia.

With Conditions:

1. All work shall be in accordance with plans by Steven J Smith and Associates dated August 2, 2010, as received by the NH Department of Environmental Services (DES) on March 22, 2011.
2. This permit shall not be effective until it has been recorded with the County Registry of Deeds office by the Permittee. A copy of the recorded permit shall be submitted to the DES Wetlands Bureau by certified mail, return receipt requested, prior to construction.
3. Appropriate siltation, erosion, and turbidity controls shall be in place prior to construction, shall be maintained during construction, and remain in place until the area is stabilized. Silt fence(s) must be removed once the area is stabilized.
4. Repairs to these structures may be conducted, as necessary, throughout the duration of this permit provided that the permittee notifies the Wetlands Bureau and Conservation Commission, in writing, of the proposed start and completion date prior to performing any repair.
5. Repairs shall maintain existing size, location and configuration.
6. This permit does not allow for maintenance dredging.
7. The dock shall not extend more than 30 ft lakeward of the waterline at full lake elevation of 504.32.
8. The minimum clear spacing between piles shall be 12 feet.
9. The maintenance and use of the docking facility shall not have any adverse impact on the ability of the general public to utilize the adjacent public right of way.
10. All activities shall be in accordance with the Comprehensive Shoreland Protection Act, RSA 483-B. The owner is responsible for obtaining any Shoreland Permit that may be required per RSA 483-B, for construction, excavation or fill that will occur within the Protected Shoreland.

With Findings:

1. This is a minor impact project per Administrative Rule Env-Wt 303.03(d), construction of a dock that exceeds the criteria for minimum impact docks.
2. The need for the proposed impacts has been demonstrated by the applicant per Env-Wt 302.01.
3. The applicant has provided evidence which demonstrates that this proposal is the alternative with the least adverse impact to areas and environments under the department's jurisdiction per Env-Wt 302.03.
4. The applicant has demonstrated by plan and example that each factor listed in Env-Wt 302.04(a) Requirements for Application Evaluation, has been considered in the design of the project.
5. The proposed dock is located across a city road on a ROW.
6. DES Staff conducted a field inspection of the proposed project on April 02, 2011. Field inspection determined the need for the permanent docking structure.
7. The DES Dam Safety Bureau has stated a preference for permanent construction type at this location on the grounds that it will be more structurally sound.
8. The applicant has an average of 101 feet of shoreline frontage along Lake Winnepesaukee.
9. A maximum of 2 slips may be permitted on this frontage per Rule Env-Wt 402.13, Frontage Over 75'.
10. The proposed docking facility will provide 2 slips as defined per RSA 482-A:2, VIII and therefore meets Rule Env-Wt 402.13.

2011-00118 KENNETH A LORDEN TRUST
LONDONDERRY Unnamed Stream Unnamed Wetland

Requested Action:

Correct permit description impact totals, condition no. 2 and condition no. 5.

APPROVE AMENDMENT:

Temporarily impact \pm 6,100 square feet and permanently impact \pm 350 square feet of palustrine forested wetlands for off-site sewer line construction associated with a 51-lot subdivision on \pm 235 acres (Phase I).

With Conditions:

1. All work shall be in accordance with plans by Jones & Beach Engineers, Inc., dated October 14, 2010, and revised through January 07, 2011, as received by the DES Wetlands Bureau on January 11, 2011; and revised sheets R2 and R5, dated October 14, 2010, and revised through March 25, 2011, as received by the DES Wetlands Bureau on April 08, 2011.
2. No work in wetlands shall occur between March 1st and July 1st.
3. As required by the Environmental Protection Agency, an easement in accordance with plans titled, Overview and Conceptual Conservation Subdivision and Future Wetlands Permitting Plan, by Jones & Beach Engineers, Inc., dated October 14, 2010, and revised through March 25, 2011, and received by the DES Wetlands Bureau on April 08, 2011, shall be executed prior to the development of conceptual phase three (3), depicted on said plans.
4. This permit is contingent on submittal of the plan referenced in condition no. 3 to the Londonderry Conservation Commission.
5. This permit is contingent upon the restoration of 6,100 square feet of wetlands in accordance with plans by Jones & Beach Engineers, Inc., dated October 14, 2010, and revised through January 07, 2011, as received by the DES Wetlands Bureau on January 11, 2011.
6. There shall be no further alteration of wetlands for lot development, driveways, culverts, or for septic setback for this phase of development.
7. The deed which accompanies the sales transaction for each of the lots in this subdivision shall contain condition # 6 of this approval.
8. This permit shall not be effective until it has been recorded with the Registry of Deeds Office by the Permittee. A copy of the registered permit shall be submitted to the DES Wetlands Bureau.
9. Appropriate siltation/erosion controls shall be in place prior to construction, shall be maintained during construction, and remain until the area is stabilized. Silt fence(s) must be removed once the area is stabilized.
10. Dredged material shall be placed outside of the jurisdiction of the DES Wetlands Bureau.
11. The contractor responsible for completion of the work shall utilize techniques described in the New Hampshire Stormwater Manual, Volume 3, Erosion and Sediment Controls During Construction (December 2008).
12. Within three days of final grading or temporary suspension of work in an area that is in or adjacent to wetlands or surface waters, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack or netting and pinning on slopes steeper than 3:1.
13. The permittee shall notify DES and the NHFG Nongame and Endangered Species Program of their intention to commence construction no less than five (5) business days prior to construction.
14. The permittee shall designate a qualified professional who will be responsible for monitoring and ensuring that the restoration areas are constructed in accordance with the restoration plan. Monitoring shall be accomplished in a timely fashion and remedial measures taken if necessary. The DES Wetlands Bureau shall be notified in writing of the designated professional prior to the start of work and if there is a change of status during the project.
15. Wetland soils from areas vegetated with purple loosestrife (*Lythrum salicaria*) shall not be used in the wetland restoration site. The potential for the establishment of the invasive species should be considered in other areas where spoils may be spread to limit its further establishment.
16. The restoration area shall be regraded to original contours following completion of work.
17. Only native plant species appropriate to the area shall be planted.
18. Seed mix within the restoration area shall be a wetland seed mix appropriate to the area and shall be applied in accordance with manufacturers' specifications.
19. Mulch used within the wetland restoration areas shall be natural straw or equivalent.
20. The permittee shall attempt to control invasive, weedy species such as purple loosestrife (*Lythrum salicaria*) and common reed (*Phragmites australis*) by measures agreed upon by the DES Wetlands Bureau if the species is found in the restoration areas during

construction and during the early stages of vegetative establishment.

21. Wetland restoration areas shall be properly constructed, landscaped, monitored and remedial actions taken that may be necessary to create functioning wetland areas similar to those of the wetlands destroyed by the project. Remedial measures may include replanting, relocating plantings, removal of invasive species, changing soil composition and depth, changing the elevation of the wetland surface, and changing the hydrologic regime.

22. Wetland restoration areas shall have at least 75% successful establishment of wetlands vegetation after two (2) growing seasons, or shall be replanted and re-established until a functional wetland is replicated in a manner satisfactory to the DES Wetlands Bureau.

23. A post-construction report documenting the status of the completed project with photographs shall be submitted to the DES Wetlands Bureau within sixty (60) days of the completion of construction.

24. The permittee or a designee shall conduct a follow-up inspection after the first growing season, to review the success of the restoration areas and schedule remedial actions if necessary. A report outlining these follow-up measures and a schedule for completing the remedial work shall be submitted by December 1 of that year. Similar inspections, reports and remedial actions shall be undertaken in at least the second year following the completion of each restoration site.

With Findings:

1. This is a minor impact project per Administrative Rule Env-Wt 303.03(h), Projects involving less than 20,000 square feet of alteration in the aggregate in nontidal wetlands.
2. This permit approves the initial phase of a conceptual multi-phase project. The developer plans to purchase additional portions of the lot from the owner for phased development.
3. An on-site survey completed by the Agent for the project documented the presence of Blanding's turtles and twenty (20) vernal pools on the project site.
4. In correspondence dated January 12, 2011, the Londonderry Conservation Commission noted the Commission voted at its last meeting to recommend approval of the project.
5. Pre-application discussions including the Environmental Protection Agency (EPA) and the NH Fish and Game Department resulted in an agreement of a mitigation plan that would be required impacts associated with conceptual phase three (3). Mitigation consists of open space and travel corridors critical to the Blanding's turtle.
6. In correspondence dated February 17, 2011, the EPA noted that changes requested in pre-application communication were incorporated into the permit application. The EPA questioned the possibility of executing the agreed upon conceptual phase mitigation plan as part of this permit application. The EPA also questioned if the mitigation plan for conceptual phases cannot be executed as part of this application, how will the mitigation plan be maintained and executed as part of future phases.
7. In response to these comments and at the request of the EPA the agent held meetings with the developer and property owners to explain the details and importance of the conceptual phase mitigation plan. The owner and developer signed the "Overview Conceptual Conservation Subdivision and Future Wetlands Permitting Plan" as confirmation of the meeting and their understanding of the importance of plan and the requirement that the mitigation plan be executed prior to the development of phase three (3).
8. In email correspondence dated April 14, 2011, the EPA, stated the project was acceptable for approval under the SPGP process given the following conditions and findings were incorporated into the DES Wetlands Bureau Permit, "1) this parcel will be developed in 4 Phases, and this permit covers the 1st Phase. 2) a general open space protection plan has been agreed to for the entire site, protecting roughly 120 acres. A copy of this plan (Conceptual Conservation Subdivision and Future Wetland Permitting Plan, revision date March 25, 2011) has been signed by the land owner and developer. 3) this protection area provides buffers to the numerous vernal pools and corridors for the movement of Blanding's turtles. 4) an easement will be placed on this 120 acre open space parcel prior to the development of Phase 3. 5) copies of this signed plan will be kept in the NHDES file and sent to the town planning board and conservation commission."
9. In email correspondence dated April 04/14/2011, the NHFG indicated the project, incorporating project conditions outlined by the EPA, was acceptable.
10. The need for the proposed impacts has been demonstrated by the applicant per Env-Wt 302.01.
11. The applicant has provided evidence which demonstrates that this proposal is the alternative with the least adverse impact to areas and environments under the department's jurisdiction per Env-Wt 302.03.
12. The applicant has demonstrated by plan and example that each factor listed in Env-Wt 302.04(a) Requirements for Application Evaluation, has been considered in the design of the project.

Requested Action:

Proposal to dredge and fill 2115 sq. ft. of wetlands for access on a 35 acre lot. Work consists of retaining and modifying an existing 12 in. x 20 ft. culvert crossing and reconstructing an additional crossing with a 4 ft. span x 10 ft. run x 2 ft. height open bottom timber box culvert crossing with associated grading, filling and wingwalls.

APPROVE PERMIT:

Dredge and fill 2115 sq. ft. of wetlands for access on a 35 acre lot. Work consists of retaining and modifying an existing 12 in. x 20 ft. culvert crossing and reconstructing an additional crossing with a 4 ft. span x 10 ft. run x 2 ft. height open bottom timber box culvert crossing with associated grading, filling and wingwalls.

With Conditions:

1. All work shall be in accordance with plans by Varney Engineering, LLC dated February 4, 2011, as received by the NH Department of Environmental Services (DES) on February 25, 2011.
2. This permit is contingent on compliance with the approved restoration plan for DES Wetlands Bureau File #2010-00845.
3. Work shall be done during low flow.
4. Appropriate siltation/erosion/turbidity controls shall be in place prior to construction, shall be maintained during construction, and remain in place until the area is stabilized. Silt fence(s) must be removed once the area is stabilized.
5. Discharge from dewatering of work areas shall be to sediment basins that are: a) located in uplands; b) lined with hay bales or other acceptable sediment trapping liners; c) set back as far as possible from wetlands and surface waters, in all cases with a minimum of 20 feet of undisturbed vegetated buffer.
6. Dredged material shall be placed outside of the jurisdiction of the DES Wetlands Bureau.
7. Within three days of final grading, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack or netting and pinning on slopes steeper than 3:1.
8. Where construction activities have been temporarily suspended within the growing season, all exposed soil areas shall be stabilized within 14 days by seeding and mulching.
9. Where construction activities have been temporarily suspended outside the growing season, all exposed areas shall be stabilized within 14 days by mulching and tack. Slopes steeper than 3:1 shall be stabilized by matting and pinning.
10. The contractor responsible for completion of the work shall utilize techniques described in the New Hampshire Stormwater Manual, Volume 3, Erosion and Sediment Controls During Construction (December 2008).
11. Any further alteration of areas on this property that are within the jurisdiction of the DES Wetlands Bureau will require a new application and further permitting by the Bureau.
12. Construction equipment shall be inspected daily for leaking fuel, oil and hydraulic fluid. Faulty equipment shall be repaired immediately.
13. The contractor shall have appropriate oil spill kits on site and readily accessible at all times during construction and each operator shall be trained in its use.
14. All refueling of equipment shall occur outside of surface waters or wetlands.

With Findings:

1. This is a minor impact project per Administrative Rule Env-Wt 303.03(h) Projects involving less than 20,000 square feet of alteration in the aggregate in nontidal wetlands, nontidal surface waters, or banks adjacent to nontidal surface waters which exceed the criteria of Env-Wt 303.04(f).
2. The need for the proposed impacts has been demonstrated by the applicant per Env-Wt 302.01.
3. The applicant has provided evidence which demonstrates that this proposal is the alternative with the least adverse impact to areas and environments under the department's jurisdiction per Env-Wt 302.03.
4. The applicant has demonstrated by plan and example that each factor listed in Env-Wt 302.04(a) Requirements for Application Evaluation, has been considered in the design of the project.
5. The applicant has received a Restoration plan Approval for the remaining non-permitted impacts (Wetlands Bureau File #2010-00845).

Requested Action:

Remove abandoned dock debris from lake bed and bank, remove a single log from the lake bed, install a 6 ft x 40 ft seasonal dock attached to a 7 ft x 4 ft concrete anchor pad, construct a 900 sq ft perched beach, and repair an existing 14 ft x 24 ft 6 in deck on an average of 151 ft of shoreline frontage on Lake Winnepesaukee, in Tuftonboro.

Conservation Commission/Staff Comments:

Con Com has no concerns

APPROVE PERMIT:

Remove abandoned dock debris from lake bed and bank, remove a single log from the lake bed, install a 6 ft x 40 ft seasonal dock attached to a 7 ft x 4 ft concrete anchor pad, construct a 900 sq ft perched beach, and repair an existing 14 ft x 24 ft 6 in deck on an average of 151 ft of shoreline frontage on Lake Winnepesaukee, in Tuftonboro.

With Conditions:

1. All work shall be in accordance with plans by Watermark Marine Construction dated February 10, 2011, as received by the NH Department of Environmental Services (DES) on March 18, 2011.
2. This permit shall not be effective until it has been recorded with the county Registry of Deeds Office by the Permittee. A copy of the recorded permit shall be submitted to the DES Wetlands Bureau by certified mail, return receipt requested, prior to installation.
3. All dredged material and construction related debris shall be placed outside of the jurisdiction of the DES Wetlands Bureau.
4. This permit does not allow dredging to provide boat slips.
5. Appropriate siltation, erosion, and turbidity controls shall be in place prior to construction, shall be maintained during construction, and shall remain until the area is stabilized.
6. This shall be the only structure on this water frontage and all portions of the docking structure shall be at least 20 ft from abutting property lines or the imaginary extension of those lines into the water.
7. The seasonal pier shall be removed from the lake for the non-boating season.
8. No portion of the pier shall extend more than 40 feet from the shoreline at full lake elevation.
9. Stone placed along the beach front for the purpose of retaining sand shall be placed above and/or landward of those rocks currently located along the normal high water line (Elevation 504.32). Those rocks existing at the normal high water line shall remain otherwise undisturbed such that the natural shoreline remains identifiable.
10. The steps installed for access to the water shall be located completely landward of the normal high water line.
11. No more than 10 cu yd of sand may be used and all sand shall be located above the normal high water line.
12. This permit shall be used only once, and does not allow for annual beach replenishment.
13. The permittee shall provide appropriate diversion of surface water runoff to prevent erosion of beach area.
14. Revegetation of trees, shrubs and ground covers representing the density and species diversity of the existing stand of vegetation removed for this project shall begin at a distance no greater than 5 feet landward from the beach area.
15. The Applicant shall submit a report documenting the completion of the planting of sufficient vegetation to replace the 10 point tree to be removed prior to the construction of the perched beach.
16. All activities shall be in accordance with the Comprehensive Shoreland Protection Act, RSA 483-B. The owner is responsible for obtaining any Shoreland Permit that may be required per RSA 483-B, for construction, excavation or fill that will occur within the Protected Shoreland.

With Findings:

1. This is a minor impact project per Administrative Rule Env-Wt 303.03(g), removal of less than 20 cubic yards of material from the lakebed.
2. The need for the proposed impacts has been demonstrated by the applicant per Env-Wt 302.01.
3. The applicant has provided evidence which demonstrates that this proposal is the alternative with the least adverse impact to areas and environments under the department's jurisdiction per Env-Wt 302.03.
4. The applicant has an average of 151 feet of shoreline frontage along Lake Winnepesaukee.
5. A maximum of 3 slips may be permitted on this frontage per Rule Env-Wt 402.13, Frontage Over 75'.
6. The proposed docking facility will provide 2 slips as defined per RSA 482-A:2, VIII and therefore meets Rule Env-Wt 402.13.

2011-00620 CARTER, JEFF
TILTON Lake Winnisquam

Requested Action:

Permanently remove an existing 50 ft long permanent dock and install a 6 ft x 60 ft seasonal dock in the same location on an average of 304 ft of frontage on Lake Winnisquam, in Tilton.

Conservation Commission/Staff Comments:

Con Com did not submit comments

APPROVE PERMIT:

Permanently remove an existing 50 ft long permanent dock and install a 6 ft x 60 ft seasonal dock in the same location on an average of 304 ft of frontage on Lake Winnisquam, in Tilton.

With Conditions:

1. All work shall be in accordance with plans by New Hampshire Environmental Consultants dated March 14, 2011, as received by the NH Department of Environmental Services (DES) on March 28, 2011.
2. This permit shall not be effective until it has been recorded with the county Registry of Deeds Office by the Permittee. A copy of the recorded permit shall be submitted to the DES Wetlands Bureau by certified mail, return receipt requested, prior to installation.
3. The permanent dock shall be completely removed from the waterbody prior to the installation of the seasonal docking structure.
4. This shall be the only structure on this water frontage and all portions of the docking structure shall be at least 20 ft from abutting property lines or the imaginary extension of those lines into the water.
5. Seasonal pier shall be removed from the lake for the non-boating season.
6. No portion of the pier shall extend more than 60 feet from the shoreline at full lake elevation.
7. All activities shall be in accordance with the Comprehensive Shoreland Protection Act, RSA 483-B. The owner is responsible for obtaining any Shoreland Permit that may be required per RSA 483-B, for construction, excavation or fill that will occur within the Protected Shoreland.

With Findings:

1. This is a minor impact project per Administrative Rule Env-Wt 303.03(c), construction of a dock that exceeds the minimum impact criteria.
2. The need for the proposed impacts has been demonstrated by the applicant per Env-Wt 302.01.
3. The applicant has provided evidence which demonstrates that this proposal is the alternative with the least adverse impact to areas and environments under the department's jurisdiction per Env-Wt 302.03.
4. The applicant submitted dated water depths to support the need for the longer dock.
5. The applicant has an average of 303 feet of shoreline frontage along Lake Winnisquam.
6. A maximum of 5 slips may be permitted on this frontage per Rule Env-Wt 402.13, Frontage Over 75'.
7. The proposed docking facility will provide 2 slips as defined per RSA 482-A:2, VIII and therefore meets Rule Env-Wt 402.13.

MINIMUM IMPACT PROJECT

2011-00511 DEFEO, STEVE
STRAFFORD Bow Lake

Requested Action:

Construct a 20 ft x 20 ft perched beach with less than 10 cubic yards of sand, 4 ft access stairs to the lake, on Bow Lake, Strafford.

Conservation Commission/Staff Comments:

Con Com did not submit comments

APPROVE PERMIT:

Construct a 20 ft x 20 ft perched beach with less than 10 cubic yards of sand, 4 ft access stairs to the lake, on Bow Lake, Strafford.

With Conditions:

1. All work shall be in accordance with plans by Geometres Blue Hills LLC, revision dated March 18, 2011, as received by the NH Department of Environmental Services (DES) on April 13, 2011.
2. Dredged or excavated material shall be placed outside of the DES Wetlands Bureau jurisdiction.
3. Stone placed along the beach front for the purpose of retaining sand shall be placed above and/or landward of those rocks currently located along the normal high water line (Elevation 514.8). Those rocks existing at the normal high water line shall remain otherwise undisturbed such that the natural shoreline remains identifiable.
4. The steps installed for access to the water shall be located completely landward of the normal high water line.
5. No more than 10 cu. yds. of sand may be used and all sand shall be located above the normal high water line.
6. This permit shall be used only once, and does not allow for annual beach replenishment.
7. The permittee shall provide appropriate diversion of surface water runoff to prevent erosion of beach area.
8. Revegetation of trees, shrubs and ground covers representing the density and species diversity of the existing stand of vegetation removed for this project shall begin at a distance no greater than 5 feet landward from the beach area.
9. Appropriate siltation/erosion/turbidity controls shall be in place prior to construction, shall be maintained during construction, and shall remain until the area is stabilized.
10. All activities shall be in accordance with the Comprehensive Shoreland Protection Act, RSA 483-B. The owner is responsible for obtaining any Shoreland Permit that may be required per RSA 483-B, for construction, excavation or fill that will occur within the Protected Shoreland.

With Findings:

1. This is a minimum impact project per Administrative Rule Env-Wt 303.04(d), construction of a beach.

2011-00597 VISTA ROAD LLC
NEW BOSTON Piscataquog River

Requested Action:

Dredge and fill \pm 1,625 sq. ft. of intermittent stream and associated palustrine scrub-shrub wetlands for installation of a 30-inch x 50-foot HDPE culvert for driveway access to a single lot of a 2-lot subdivision on \pm 58.79 acres.

APPROVE PERMIT:

Dredge and fill \pm 1,625 sq. ft. of intermittent stream and associated palustrine scrub-shrub wetlands for installation of a 30-inch x 50-foot HDPE culvert for driveway access to a single lot of a 2-lot subdivision on \pm 58.79 acres.

With Conditions:

1. All work shall be in accordance with plans by Eric C. Mitchell & Assoc., Inc. dated January 20, 2011, as received by the Department on March 25, 2011, and revised sheet 5 of 5 dated January 20, 2011, and revised through May 02, 2011, as received by the DES Wetlands Bureau on May 04, 2011.
2. This permit is contingent on approval by the DES Shoreland Program.
3. Work shall be done during low flow conditions and in the dry.
4. There shall be no further alteration of wetlands for lot development, driveways, culverts, or for septic setback on the subdivided 8.35 acre lot outside of the easement.
5. The deed which accompanies the sales transaction for each of the lots in this subdivision shall contain condition # 4 of this approval
6. Work shall be conducted in a manner so as to minimize turbidity and sedimentation to surface waters and wetlands.
7. Appropriate siltation/erosion controls shall be in place prior to construction, shall be maintained during construction, and remain until the area is stabilized. Silt fence(s) must be removed once the area is stabilized.

8. Orange construction fencing shall be placed at the limits of construction within or directly adjacent to wetlands or surface waters to prevent accidental encroachment on wetlands.
9. Dredged material shall be placed outside of the jurisdiction of the DES Wetlands Bureau.
10. Proper headwalls shall be constructed within seven days of culvert installation.
11. Culverts shall be laid at original grade.
12. The contractor responsible for completion of the work shall utilize techniques described in the New Hampshire Stormwater Manual, Volume 3, Erosion and Sediment Controls During Construction (December 2008).
13. Within three days of final grading or temporary suspension of work in an area that is in or adjacent to wetlands or surface waters, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack or netting and pinning on slopes steeper than 3:1.

With Findings:

1. This is a minimum impact project per Administrative Rule Env-Wt 303.04(ah), a new Tier One stream crossing that meets Env-Wt 903.01(e).
2. The potential future development of proposed tax map/lot no. 6/40-2-1 (50.44 acre lot) necessitates the easement for future roadway, drainage and sideslopes. The Agent has indicated the property owner will first pursue selling the lot to the town for conservation purposes.
3. The Piscataquog River Local Advisory Committee submitted comments recommending: 1) relocating the driveway to the east and constructing the crossing in the proposed easement area to eliminate the need for a second wetland crossing for road construction, and 2) a no-cut buffer be placed along the perennial stream.
4. The Agent response dated May 02, 2011, stated that if in the future, "...a road was proposed the placement would require the driveway crossing to be eliminated and the road to cross in the same location (with new permit)."
5. Revised plans received May 04, 2011, note the location of the perennial stream and the response received May 04, 2011, explains that Town of New Boston Zoning regulations currently provide wetland protection, specifically Zoning Section 204.06, C.,4.
6. Drainage calculations were provided that confirm the proposed culvert will accommodate the greater of the 50-year frequency flood.
7. The need for the proposed impacts has been demonstrated by the applicant per Env-Wt 302.01.
8. The applicant has provided evidence which demonstrates that this proposal is the alternative with the least adverse impact to areas and environments under the department's jurisdiction per Env-Wt 302.03.
9. The applicant has demonstrated by plan and example that each factor listed in Env-Wt 302.04(b) Requirements for Application Evaluation, has been considered in the design of the project.

2011-00821 LOCKWOOD, EDWARD
SPRINGFIELD Unnamed Stream

Requested Action:

Impact approximately 120 sq. ft. of wetland and associated intermittent stream for access. Work in wetlands consists of one wetland crossing including an intermittent stream crossing with an 15" diameter culvert and associated filling and grading.

PBN IS COMPLETE:

Impact approximately 120 sq. ft. of wetland and associated intermittent stream for access. Work in wetlands consists of one wetland crossing including an intermittent stream crossing with an 15" diameter culvert and associated filling and grading.

With Conditions:

1. All work shall be in accordance with plans entitled Sketch Plan: Leah Sackett & Edward Lockwood (Figure 2) as received by the department on April 20, 2011.
2. This permit is contingent on approval by the DES Subsurface Systems Bureau.

With Findings:

1. This project meets the criteria of NH Administrative Rule Env-Wt 506.01(a) (8) The installation of a culvert or bridge and associated fill to permit vehicular access to a piece of property for a single family building lot or for noncommercial, recreational

uses that meets the criteria in Env-Wt 303.04(z).

2. The Conservation Commission signed the PBN waiving their right to intervene pursuant to RSA 482-A:11.
3. No comments were submitted from the NHFG Nongame and Endangered Wildlife Program or the Natural Heritage Bureau.

FORESTRY NOTIFICATION

2011-00914 SANDS, DAVID
WOLFEBORO Unnamed Stream

Conservation Commission/Staff Comments:

Prime Wetland hit. Letter from forester stating that a 125 foot buffer will be observed.

COMPLETE NOTIFICATION:

Wolfeboro Tax Map 219, Lot# 27

2011-00941 BRUNING, JR
NEW HAMPTON Unnamed Stream

COMPLETE NOTIFICATION:

New Hampton Tax Map R15, Lot# 28

2011-00942 COLWELL, J COREY
STRAFFORD Unnamed Stream

Conservation Commission/Staff Comments:

This property is going to be for multi use recreational trails. The trail construction will be under a Tarils Notification.

COMPLETE NOTIFICATION:

Strafford Tax Map 6, Lot# 2

2011-00945 NH DRED
TAMWORTH Unnamed Stream

COMPLETE NOTIFICATION:

Tamworth Tax Map 406, Lot# 40

2011-00946 MOREU, RICHARD
NEW DURHAM Unnamed Stream

COMPLETE NOTIFICATION:

New Durham Tax Map 238, Lot# 10

2011-00983 BIVONA, ERIC
PLAINFIELD Unnamed Stream

COMPLETE NOTIFICATION:
Plainfield Tax Map 203, Lot# 21

2011-00984 NORTHWOODLANDS INC
NEWBURY Unnamed Stream

COMPLETE NOTIFICATION:
Newbury Tax Map 24, Lot# 647,336

2011-00985 WEED, WAYNE
UNITY Unnamed Stream

COMPLETE NOTIFICATION:
Unity Tax Map/Lot# 8/6761, 13/675, 14/148

2011-00986 WRIGHT, RALPH
PLYMOUTH Unnamed Stream

COMPLETE NOTIFICATION:
Plymouth Tax Map 214, Lot# 12, 13, 14, 15

2011-00994 MANCHESTER WATER WORKS
AUBURN Unnamed Stream

COMPLETE NOTIFICATION:
Auburn Tax Map 7, Lot# 20

2011-00995 TERRELL, ELIZABETH
CONCORD Unnamed Stream

COMPLETE NOTIFICATION:
Concord Tax Map 121, Lot# 17

2011-00999 GRAVES, SEAN
CHESTERFIELD Unnamed Stream

COMPLETE NOTIFICATION:
Chesterfield Tax Map 8, Lot# C-12

2011-01002 SPNHF
GRANTHAM Unnamed Stream

COMPLETE NOTIFICATION:
Grantham Tax Map 237, Lot# 11

EXPEDITED MINIMUM

2010-03427 SYDOW, JEFFREY SCOTT
ALTON Lake Winnepesaukee

Requested Action:

Stabilize 30 linear feet of shoreline within 450 sq ft of bank by adding several large boulders and plantings above full lake elevation, Lake Winnepesaukee, Alton.

Conservation Commission/Staff Comments:

Con Com signed Exp Applicaiton

APPROVE PERMIT:

Stabilize 30 linear feet of shoreline within 450 sq ft of bank by adding several large boulders and plantings above full lake elevation, Lake Winnepesaukee, Alton.

With Conditions:

1. All work shall be in accordance with plans by Winnepesaukee Marine Construction dated April 08, 2011, as received by the NH Department of Environmental Services (DES) on April 12, 2011.
2. Area shall be regraded to original contours following completion of work.
3. Dredged material shall be placed outside of the jurisdiction of the DES Wetlands Bureau.
4. This permit does not allow dredging for any purpose.
5. Appropriate siltation/erosion/turbidity controls shall be in place prior to construction, shall be maintained during construction, and remain in place until the area is stabilized. Silt fence(s) must be removed once the area is stabilized.
6. All work shall be located above elevation 504.32 and behind full lake elevation.
7. All activities shall be in accordance with the Comprehensive Shoreland Protection Act, RSA 483-B. The owner is responsible for obtaining any Shoreland Permit that may be required per RSA 483-B, for construction, excavation or fill that will occur within the Protected Shoreland.

With Findings:

1. This is a minimum impact project per Administrative Rule Env-Wt 303.04(m), projects which disturb less than 50 linear feet of the bank.

2011-00408 HOLT ELWELL MEMORIAL FOUNDATION
HEBRON

Requested Action:

Proposal to dredge and fill 105 sq. ft. of wetlands and associated stream bed and banks to install a 36 in. x 20 ft. HDPE culvert for access to a seasonal cabin.

Conservation Commission/Staff Comments:

1. The Conservation Commission signed the expedited application waiving their right to intervene.

APPROVE PERMIT:

Dredge and fill 105 sq. ft. of wetlands and associated stream bed and banks to install a 42 in. span x 29 in. rise x 20 ft. run arch culvert for access to a seasonal cabin.

With Conditions:

1. All work shall be in accordance with plans by B.A. Barnard Ent., Inc., plan amended date of April 25, 2011, as received by DES on April 26, 2011.
2. All activities shall be in accordance with the Comprehensive Shoreland Protection Act, RSA 483-B. The owner is responsible for obtaining any Shoreland Permit that may be required per RSA 483-B, for construction, excavation or fill that will occur within the Protected Shoreland.
3. Work shall be done during low flow.
4. Appropriate siltation/erosion/turbidity controls shall be in place prior to construction, shall be maintained during construction, and remain in place until the area is stabilized. Silt fence(s) must be removed once the area is stabilized.
5. Discharge from dewatering of work areas shall be to sediment basins that are: a) located in uplands; b) lined with hay bales or other acceptable sediment trapping liners; c) set back as far as possible from wetlands and surface waters, in all cases with a minimum of 20 feet of undisturbed vegetated buffer.
6. Dredged material shall be placed outside of the jurisdiction of the DES Wetlands Bureau.
7. Within three days of final grading, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack or netting and pinning on slopes steeper than 3:1.
8. Where construction activities have been temporarily suspended within the growing season, all exposed soil areas shall be stabilized within 14 days by seeding and mulching.
9. Where construction activities have been temporarily suspended outside the growing season, all exposed areas shall be stabilized within 14 days by mulching and tack. Slopes steeper than 3:1 shall be stabilized by matting and pinning.
10. The contractor responsible for completion of the work shall utilize techniques described in the New Hampshire Stormwater Manual, Volume 3, Erosion and Sediment Controls During Construction (December 2008).
11. Any further alteration of areas on this property that are within the jurisdiction of the DES Wetlands Bureau will require a new application and further permitting by the Bureau.
12. Construction equipment shall be inspected daily for leaking fuel, oil and hydraulic fluid. Faulty equipment shall be repaired immediately.
13. The contractor shall have appropriate oil spill kits on site and readily accessible at all times during construction and each operator shall be trained in its use.
14. All refueling of equipment shall occur outside of surface waters or wetlands.

With Findings:

1. This is a minimum impact project per Administrative Rule Env-Wt 303.04(z) Installation of a stream crossing and associated fill to permit vehicular access to a piece of property for a single family building lot, for noncommercial recreational uses including conservation projects, or for normal agricultural operations.
2. The need for the proposed impacts has been demonstrated by the applicant per Env-Wt 302.01.
3. The applicant has provided evidence which demonstrates that this proposal is the alternative with the least adverse impact to areas and environments under the department's jurisdiction per Env-Wt 302.03.
4. The applicant has demonstrated by plan and example that each factor listed in Env-Wt 302.04(b) Requirements for Application Evaluation, has been considered in the design of the project.

2011-00520 **HOLMES, CONSTANCE/PETER**
ALTON **Merrymeeting River**

Requested Action:

Proposal to dredge and fill 702 sq. ft. of forested wetlands for driveways to 2-lots of 7-lot residential subdivision with one remaining 82 acre lot. Work consists of the construction of two wetland crossings containing 15 in. x 20 ft. culverts with associated grading, filing and culvert headwalls.

APPROVE PERMIT:

Dredge and fill 702 sq. ft. of forested wetlands for driveways to 2-lots of 7-lot residential subdivision with one remaining 82 acre lot. Work consists of the construction of two wetland crossings containing 15 in. x 20 ft. culverts with associated grading, filing and culvert headwalls.

With Conditions:

1. All work shall be in accordance with plans by Varney Engineering, LLC plan sheet 1 of 2 revision date of March 7, 2011, sheet 2 of 2 revision date of March 4, 2011 and plan sheet 1 of 4 revision date of March 1, 2011, as received by the NH Department of Environmental Services (DES) on March 14, 2011 and plan sheet 2 of 4 dated September 26, 2010, as received by DES on April 22, 2011.
2. Work shall be done during low flow.
3. There shall be no further alteration of wetlands for lot development, driveways, culverts, or for septic setback.
4. The deed which accompanies the sales transaction for each of the lots in this subdivision shall contain condition #3 of this approval.
5. This permit shall not be effective until it has been recorded with the county Registry of Deeds Office by the Permittee. A copy of the recorded permit shall be submitted to the DES Wetlands Bureau, by certified mail, return receipt requested.
6. All activities shall be in accordance with the Comprehensive Shoreland Protection Act, RSA 483-B. The owner is responsible for obtaining any Shoreland Permit that may be required per RSA 483-B, for construction, excavation or fill that will occur within the Protected Shoreland.
7. This permit is contingent on approval by the DES Subsurface Systems Bureau.
8. Appropriate siltation/erosion/turbidity controls shall be in place prior to construction, shall be maintained during construction, and shall remain until the area is stabilized.
9. Appropriate siltation/erosion/turbidity controls shall be in place prior to construction, shall be maintained during construction, and remain in place until the area is stabilized. Silt fence(s) must be removed once the area is stabilized.
10. Discharge from dewatering of work areas shall be to sediment basins that are: a) located in uplands; b) lined with hay bales or other acceptable sediment trapping liners; c) set back as far as possible from wetlands and surface waters, in all cases with a minimum of 20 feet of undisturbed vegetated buffer.
11. Dredged material shall be placed outside of the jurisdiction of the DES Wetlands Bureau.
12. Within three days of final grading, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack or netting and pinning on slopes steeper than 3:1.
13. Where construction activities have been temporarily suspended within the growing season, all exposed soil areas shall be stabilized within 14 days by seeding and mulching.
14. Where construction activities have been temporarily suspended outside the growing season, all exposed areas shall be stabilized within 14 days by mulching and tack. Slopes steeper than 3:1 shall be stabilized by matting and pinning.
15. The contractor responsible for completion of the work shall utilize techniques described in the New Hampshire Stormwater Manual, Volume 3, Erosion and Sediment Controls During Construction (December 2008).
16. Construction equipment shall be inspected daily for leaking fuel, oil and hydraulic fluid. Faulty equipment shall be repaired immediately.
17. The contractor shall have appropriate oil spill kits on site and readily accessible at all times during construction and each operator shall be trained in its use.
18. All refueling of equipment shall occur outside of surface waters or wetlands.

With Findings:

1. This is a minimum impact project per Administrative Rule Env-Wt 303.04(f) Projects involving alteration of less than 3,000 square feet in swamps or wet meadows that are not in prime wetlands or do not meet the requirements of Env-Wt 303.02(k), provided that no previous department permit has placed restrictions on the property of the applicant
2. The need for the proposed impacts has been demonstrated by the applicant per Env-Wt 302.01.
3. The applicant has provided evidence which demonstrates that this proposal is the alternative with the least adverse impact to areas and environments under the department's jurisdiction per Env-Wt 302.03.
4. The applicant has demonstrated by plan and example that each factor listed in Env-Wt 302.04(b) Requirements for Application Evaluation, has been considered in the design of the project.

Requested Action:

Remove a deteriorated bridge and fill 300 sq. ft. of wetland and installation of a 24 inch x 25 foot culvert to provide access to an existing single-family residential dwelling.

Conservation Commission/Staff Comments:

Barrington Conservation Commission signed expedited application.

APPROVE PERMIT:

Remove a deteriorated bridge and fill 300 sq. ft. of wetland and installation of a 24 inch x 25 foot culvert to provide access to an existing single-family residential dwelling.

With Conditions:

1. All work shall be in accordance with plans by Brown Engineering and Surveying, LLC dated April 8, 2011, as received by the NH Department of Environmental Services (DES) on April 14, 2011.
2. Any further alteration of areas on this property that are within the jurisdiction of the DES Wetlands Bureau will require a new application and further permitting by the Bureau.
3. Culvert outlets shall be protected in accordance with the DES Best Management Practices for Urban Stormwater Runoff Manual (January 1996) and the Stormwater Management and Erosion and Sediment Control Handbook for Urban and Developing Areas in New Hampshire (August 1992).
4. Within three days of final grading or temporary suspension of work, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack or netting and pinning on slopes steeper than 3:1.
5. Appropriate siltation/erosion/turbidity controls shall be in place prior to construction, shall be maintained during construction, and remain in place until the area is stabilized. Silt fence(s) must be removed once the area is stabilized.
6. Discharge from dewatering of work areas shall be to sediment basins that are: a) located in uplands; b) lined with haybales or other acceptable sediment trapping liners; c) set back as far as possible from wetlands and surface waters, in all cases with a minimum of 20 ft. of undisturbed vegetated buffer.
7. The contractor responsible for completion of the work shall utilize techniques described in the New Hampshire Stormwater Manual, Volume 3, Erosion and Sediment Controls During Construction (December 2008).
8. All temporary wetland impact areas shall be restored to original condition upon completion of work.

With Findings:

1. This is a minimum impact project per Administrative Rule Env-Wt 303.04(f), projects involving alteration of less than 3,000 square feet in swamps or wet meadows that are not in prime wetlands or do not meet the requirements of Env-Wt 303.02(k) and per Administrative Rule Env-Wt 303.04(n), projects that disturb less than 50 linear feet of an intermittent stream. The project impacts approximately 30 linear feet of a stream.
2. The need for the proposed impacts has been demonstrated by the applicant per Env-Wt 302.01. The applicant has demonstrated that the existing bridge is deteriorated and needs to be removed and a new crossing constructed, within the same general footprint, for access to an existing single-family residential dwelling.
3. The applicant has provided evidence which demonstrates that this proposal is the alternative with the least adverse impact to areas and environments under the department's jurisdiction per Env-Wt 302.03. The crossing and new culvert will be installed within the same general footprint of the existing bridge.
4. In accordance with Env-Wt 901.03(e), minimum impact stream crossings for access to a property for a single-family residential property shall be exempt from the stream crossing rules.

2011-00842 LALUMIERE, FRANK/KATHRYN
FREEDOM Danforth Pond

Requested Action:

Install a 6 ft x 30 ft seasonal dock accessed by a 4 ft x 34 ft stair over the bank, on an average of 101 feet of frontage on Lower

Danforth Pond, Freedom.

Conservation Commission/Staff Comments:
Con Com signed Exp Application

APPROVE PERMIT:

Install a 6 ft x 30 ft seasonal dock accessed by a 4 ft x 34 ft stair over the bank, on an average of 101 feet of frontage on Lower Danforth Pond, Freedom.

With Conditions:

1. All work shall be in accordance with plans by White Mountain Survey Co dated March 22, 2011, as received by the NH Department of Environmental Services (DES) on April 22, 2011.
2. This permit shall not be effective until it has been recorded with the county Registry of Deeds Office by the Permittee. A copy of the recorded permit shall be submitted to the DES Wetlands Bureau by certified mail, return receipt requested, prior to installation.
3. This shall be the only structure on this water frontage and all portions of the dock shall be at least 20 ft. from abutting property lines or the imaginary extension of those lines into the water.
4. Seasonal pier shall be removed from the lake for the non-boating season.
5. No portion of the pier shall extend more than 30 feet from the shoreline at full lake elevation.
6. All activities shall be in accordance with the Comprehensive Shoreland Protection Act, RSA 483-B. The owner is responsible for obtaining any Shoreland Permit that may be required per RSA 483-B, for construction, excavation or fill that will occur within the Protected Shoreland.

With Findings:

1. This is a minimum impact project per Administrative Rule Env-Wt 303.04(c), construction of a seasonal dock.
2. The applicant has an average of 101 feet of shoreline frontage along Lower Danforth Pond.
3. A maximum of 2 slips may be permitted on this frontage per Rule Env-Wt 402.13, Frontage Over 75'.
4. The proposed docking facility will provide 2 slips as defined per RSA 482-A:2, VIII and therefore meets Rule Env-Wt 402.13.

GOLD DREDGE

2011-00948 BELCHER, DANA
(ALL TOWNS) Unnamed Stream

Conservation Commission/Staff Comments:
cc Bath ConCom

2011-00996 FULLERTON, DALE
(ALL TOWNS) Unnamed Stream

Conservation Commission/Staff Comments:
cc Bath ConCom

2011-01029 BROWN, DANIEL
(ALL TOWNS) Unnamed Stream

Conservation Commission/Staff Comments:

cc Bath ConCom

LAKES-SEASONAL DOCK NOTIF

2011-00739 WEBSTER, DAVID/PAMELA
CANAAN Canaan Street Lake

COMPLETE NOTIFICATION:
Canaan TAx Map 1D, Lot# 44A Canaan Street Lake

2011-01003 HOPKINS, JON & JANICE
NEW DURHAM Merrymeeting Lake

Conservation Commission/Staff Comments:
Disqualified due to lot being landward. See Enf. file 09-2206

DISQUALIFY TRAIL/FORESTRY/DOCK NOTIFICTN:
New Durham Tax Map 31, Lot# 731 Merrymeeting Lake

ROADWAY MAINTENANCE NOTIF

2011-01036 NH DEPT OF TRANSPORTATION
CANDIA Unnamed Wetland

COMPLETE NOTIFICATION:
Replace 15" CMP culvert clean inlet & outlet

2011-01037 NH DEPT OF TRANSPORTATION
CANDIA Unnamed Wetland

COMPLETE NOTIFICATION:
Replace 12" CMP culvert with 15" RCP

2011-01038 NH DEPT OF TRANSPORTATION
CANDIA Unnamed Wetland

COMPLETE NOTIFICATION:
Replace 15" CMP with 15" RCP clean inlet & outlet

2011-01039 NH DEPT OF TRANSPORTATION
CANDIA Unnamed Wetland

COMPLETE NOTIFICATION:

Replace 12" RCP with 12" RCP clean inlet & outlet

2011-01040 **NOTTINGHAM DPW, TOWN OF**
NOTTINGHAM **Unnamed Stream**

COMPLETE NOTIFICATION:

Replace 24" failed CMP in kind

2011-01041 **NOTTINGHAM DPW, TOWN OF**
NOTTINGHAM **Unnamed Stream**

COMPLETE NOTIFICATION:

Replace 10" failed CMP with a 12" CMP

CSPA PERMIT

2011-00646 **PITKIN, MARK**
OSSIPEE **Ossipee Lake**

Requested Action:

Impact approximately 1,962 square feet for the demolition and reconstruction of an existing primary structure and installation of a new septic system.

APPROVE PERMIT:

Impact approximately 1,962 square feet for the demolition and reconstruction of an existing primary structure and installation of a new septic system.

With Conditions:

1. All work shall be in accordance with plans by Pohopek Land Surveyors & Septic System Design, LLC dated January 18, 2011 and received by the NH Department of Environmental Services (DES) on March 30, 2011.
2. All actions associated with the installation of the proposed septic system are contingent on approval by the DES Subsurface Systems Bureau.
3. No more than 15.4% of the area of the lot within the protected shoreland shall be covered by impervious surfaces unless additional approval is obtained from DES.
4. No areas currently existing in an unaltered state, with the exception of the area delineated on the approved plan as "perimeter of proposed temporary disturbance", shall be impacted as a result of the project.
5. All activities conducted in association with the completion of this project shall be conducted in a manner that complies with applicable criteria of Administrative Rules Chapter Env-Wq 1400 and RSA 483-B during and after construction.
6. Orange construction fencing shall be placed at the limits of temporary disturbance to prevent accidental encroachment on the area to remain in an unaltered state within the Natural Woodland Buffer zone.
7. Erosion and siltation control measures shall be installed prior to the start of work, be maintained throughout the project, and remain in place until all disturbed surfaces are stabilized.
8. Erosion and siltation controls shall be appropriate to the size and nature of the project and to the physical characteristics of the site, including slope, soil type, vegetative cover, and proximity to wetlands or surface waters.

9. No person undertaking any activity in the protected shoreland shall cause or contribute to, or allow the activity to cause or contribute to, any violations of the surface water quality standards established in Env-Ws 1700 or successor rules in Env-Wq 1700.
10. Any fill used shall be clean sand, gravel, rock, or other suitable material.
11. This permit shall not preclude DES from taking any enforcement or revocation action if DES later determines that any of the structures depicted as "existing" on the plans submitted by the applicant were not previously permitted or grandfathered.

With Findings:

1. The proposed primary structure will maintain the same footprint as the pre-existing primary structure.
2. The septic system to be replaced is in failure.

2011-00704 SINATRA, WILLIAM
SUNAPEE Perkins Pond

Requested Action:

Impact 1,000 sq ft for the purpose of constructing a retaining wall within an existing altered area inside the waterfront buffer and removing pre-jurisdictional fill to allow an area to revert back to emergent wetland conditions.

APPROVE PERMIT:

Impact 1,000 sq ft for the purpose of constructing a retaining wall within an existing altered area inside the waterfront buffer and removing pre-jurisdictional fill to allow an area to revert back to emergent wetland conditions.

With Conditions:

1. All work shall be in accordance with plans by A & A and Sons Landscaping, Inc. dated May 5, 2011 and received by the NH Department of Environmental Services (DES) on May 5, 2011.
2. This permit does not authorize any impacts to jurisdictional wetland or water resource areas on the property. Any impacts to wetlands or water resource areas on the property will require a separate permit approval from the NHDES Wetlands Bureau. Please note, any future alteration to restored wetlands on the property will require a Wetlands Permit from the Department.
3. No more than 12.26% of the area of the lot within the protected shoreland shall be covered by impervious surfaces unless additional approval is obtained from DES.
4. At least 5,750 sq ft of the Natural Woodland Buffer beyond the primary building setback must remain in an unaltered state in order to comply with RSA 483-B:9, V, (b), (2).
5. All activities conducted in association with the completion of this project shall be conducted in a manner that complies with applicable criteria of Administrative Rules Chapter Env-Wq 1400 and RSA 483-B during and after construction.
6. Erosion and siltation control measures shall be installed prior to the start of work, be maintained throughout the project, and remain in place until all disturbed surfaces are stabilized.
7. Erosion and siltation controls shall be appropriate to the size and nature of the project and to the physical characteristics of the site, including slope, soil type, vegetative cover, and proximity to wetlands or surface waters.
8. No person undertaking any activity in the protected shoreland shall cause or contribute to, or allow the activity to cause or contribute to, any violations of the surface water quality standards established in Env-Ws 1700 or successor rules in Env-Wq 1700.
9. Any fill used shall be clean sand, gravel, rock, or other suitable material.
10. This permit shall not preclude DES from taking any enforcement or revocation action if DES later determines that any of the structures depicted as "existing" on the plans submitted by the applicant were not previously permitted or grandfathered.

2011-00728 SONDRA JOHNSTONE TRUST
LEBANON Mascoma River

Requested Action:

Impact 10,647 sq ft in order to repave affected areas after construction, add additional landscape islands, modify parking area, construct concrete dumpster pad and outdoor storage rack.

APPROVE PERMIT:

Impact 10,647 sq ft in order to repave affected areas after construction, add additional landscape islands, modify parking area, construct concrete dumpster pad and outdoor storage rack.

With Conditions:

1. All work shall be in accordance with plans by Pathways Consulting, LLC dated March 16, 2011 and received by the NH Department of Environmental Services (DES) on April 11, 2011.
2. No more than 61.7% of the area of the lot within the protected shoreland shall be covered by impervious surfaces unless additional approval is obtained from DES.
3. All activities conducted in association with the completion of this project shall be conducted in a manner that complies with applicable criteria of Administrative Rules Chapter Env-Wq 1400 and RSA 483-B during and after construction.
4. Erosion and siltation controls shall be appropriate to the size and nature of the project and to the physical characteristics of the site, including slope, soil type, vegetative cover, and proximity to wetlands or surface waters.
5. No person undertaking any activity in the protected shoreland shall cause or contribute to, or allow the activity to cause or contribute to, any violations of the surface water quality standards established in Env-Ws 1700 or successor rules in Env-Wq 1700.
6. Any fill used shall be clean sand, gravel, rock, or other suitable material.
7. This permit shall not preclude DES from taking any enforcement or revocation action if DES later determines that any of the structures depicted as "existing" on the plans submitted by the applicant were not previously permitted or grandfathered.

2011-00754 CAPRA, MICHAEL
WASHINGTON Ashuelot Pond

Requested Action:

Impact 100 sq ft in order to construct a deck on the east side of cottage.

APPROVE PERMIT:

Impact 100 sq ft in order to construct a deck on the east side of cottage.

With Conditions:

1. All work shall be in accordance with plans by Michael Capra dated April 1, 2011 and received by the NH Department of Environmental Services (DES) on April 13, 2011.
2. No more than 13.3% of the area of the lot within the protected shoreland shall be covered by impervious surfaces unless additional approval is obtained from DES.
3. All activities conducted in association with the completion of this project shall be conducted in a manner that complies with applicable criteria of Administrative Rules Chapter Env-Wq 1400 and RSA 483-B during and after construction.
4. Erosion and siltation controls shall be appropriate to the size and nature of the project and to the physical characteristics of the site, including slope, soil type, vegetative cover, and proximity to wetlands or surface waters.
5. No person undertaking any activity in the protected shoreland shall cause or contribute to, or allow the activity to cause or contribute to, any violations of the surface water quality standards established in Env-Ws 1700 or successor rules in Env-Wq 1700.
6. Any fill used shall be clean sand, gravel, rock, or other suitable material.
7. This permit shall not preclude DES from taking any enforcement or revocation action if DES later determines that any of the structures depicted as "existing" on the plans submitted by the applicant were not previously permitted or grandfathered.

2011-00803 MOORE, MERRIE
CONTOOCCOOK Contoocook River

Requested Action:

Impact 1,564 sq ft in order to construct additions to an existing house.

APPROVE PERMIT:

Impact 1,564 sq ft in order to construct additions to an existing house.

With Conditions:

1. All work shall be in accordance with plans by Marc Jalbert dated April 10, 2011 and received by the NH Department of Environmental Services (DES) on April 18, 2011.
2. No more than 9.6% of the area of the lot within the protected shoreland shall be covered by impervious surfaces unless additional approval is obtained from DES.
3. In order to remain compliant with RSA 483-B:9, V, (b), (2), the 16,000 sq ft of the existing native vegetation between 50 feet and 150 feet from the reference, as delineated on plans received by DES, must remain in an unaltered state.
4. Erosion and siltation controls shall be appropriate to the size and nature of the project and to the physical characteristics of the site, including slope, soil type, vegetative cover, and proximity to wetlands or surface waters.
5. All activities conducted in association with the completion of this project shall be conducted in a manner that complies with applicable criteria of Administrative Rules Chapter Env-Wq 1400 and RSA 483-B during and after construction.
6. No person undertaking any activity in the protected shoreland shall cause or contribute to, or allow the activity to cause or contribute to, any violations of the surface water quality standards established in Env-Ws 1700 or successor rules in Env-Wq 1700.
7. Any fill used shall be clean sand, gravel, rock, or other suitable material.
8. This permit shall not preclude DES from taking any enforcement or revocation action if DES later determines that any of the structures depicted as "existing" on the plans submitted by the applicant were not previously permitted or grandfathered.

2011-00804 CORNERSTONE OUTREACH MINISTRIES INC

ANTRIM Contoocook River

Requested Action:

Impact 2,301 sq ft in order to install a well and septic system, and construct a new structure.

APPROVE PERMIT:

Impact 2,301 sq ft in order to install a well and septic system, and construct a new structure.

With Conditions:

1. All work shall be in accordance with plans by Jeffrey B. Doolittle dated July 1, 2009 and received by the NH Department of Environmental Services (DES) on April 18, 2011.
2. This permit is contingent on approval by the DES Subsurface Systems Bureau.
3. No more than 9.2% of the area of the lot within the protected shoreland shall be covered by impervious surfaces unless additional approval is obtained from DES.
4. In order to remain compliant with RSA 483-B:9, V, (b), (2), the 13,744 sq ft of the existing native vegetation between 50 feet and 150 feet from the reference, as delineated on plans received by DES, must remain in an unaltered state.
5. Erosion and siltation controls shall be appropriate to the size and nature of the project and to the physical characteristics of the site, including slope, soil type, vegetative cover, and proximity to wetlands or surface waters.
6. All activities conducted in association with the completion of this project shall be conducted in a manner that complies with applicable criteria of Administrative Rules Chapter Env-Wq 1400 and RSA 483-B during and after construction.
7. No person undertaking any activity in the protected shoreland shall cause or contribute to, or allow the activity to cause or contribute to, any violations of the surface water quality standards established in Env-Ws 1700 or successor rules in Env-Wq 1700.
8. Any fill used shall be clean sand, gravel, rock, or other suitable material.
9. This permit shall not preclude DES from taking any enforcement or revocation action if DES later determines that any of the structures depicted as "existing" on the plans submitted by the applicant were not previously permitted or grandfathered.

2011-00840 LAGOIS, GREGORY/KYM
CENTER OSSIPEE Ossipee Lake

Requested Action:

Impact 9,977 sq ft in order to raze existing home, install a new well, construct a new home and garage, install a new sewage disposal system and construct a pervious driveway.

APPROVE PERMIT:

Impact 9,977 sq ft in order to raze existing home, install a new well, construct a new home and garage, install a new sewage disposal system and construct a pervious driveway.

With Conditions:

1. All work shall be in accordance with plans by White Mountain Survey Co., Inc. dated April 21, 2011 and received by the NH Department of Environmental Services (DES) on April 22, 2011.
2. This permit is contingent on approval by the DES Subsurface Systems Bureau.
3. No more than 25% of the area of the lot within the protected shoreland shall be covered by impervious surfaces unless additional approval is obtained from DES.
4. In order to remain compliant with RSA 483-B:9, V, (b), (2), the 406 sq ft of the existing native vegetation between 50 feet and 150 feet from the reference, as delineated on plans received by DES, must remain in an unaltered state.
5. Erosion and siltation controls shall be appropriate to the size and nature of the project and to the physical characteristics of the site, including slope, soil type, vegetative cover, and proximity to wetlands or surface waters.
6. All activities conducted in association with the completion of this project shall be conducted in a manner that complies with applicable criteria of Administrative Rules Chapter Env-Wq 1400 and RSA 483-B during and after construction.
7. No person undertaking any activity in the protected shoreland shall cause or contribute to, or allow the activity to cause or contribute to, any violations of the surface water quality standards established in Env-Ws 1700 or successor rules in Env-Wq 1700.
8. Any fill used shall be clean sand, gravel, rock, or other suitable material.
9. The pervious driveway shall be constructed and maintained in a manner which allows the infiltration and absorption of stormwater.

2011-00853 SMITH, JOANN
TUFTONBORO Big Dan Hole Pond

Requested Action:

Impact 2,853 sq ft in order to construct a garage and deck.

APPROVE PERMIT:

Impact 2,853 sq ft in order to construct a garage and deck.

With Conditions:

1. All work shall be in accordance with plans by White Mountain Survey Co., Inc. dated April 21, 2011 and received by the NH Department of Environmental Services (DES) on April 25, 2011.
2. No more than 19% of the area of the lot within the protected shoreland shall be covered by impervious surfaces unless additional approval is obtained from DES.
3. In order to remain compliant with RSA 483-B:9, V, (b), (2), the 6,261 sq ft of the existing native vegetation between 50 feet and 150 feet from the reference, as delineated on plans received by DES, must remain in an unaltered state.
4. Erosion and siltation controls shall be appropriate to the size and nature of the project and to the physical characteristics of the site, including slope, soil type, vegetative cover, and proximity to wetlands or surface waters.
5. All activities conducted in association with the completion of this project shall be conducted in a manner that complies with applicable criteria of Administrative Rules Chapter Env-Wq 1400 and RSA 483-B during and after construction.

6. No person undertaking any activity in the protected shoreland shall cause or contribute to, or allow the activity to cause or contribute to, any violations of the surface water quality standards established in Env-Ws 1700 or successor rules in Env-Wq 1700.
7. Any fill used shall be clean sand, gravel, rock, or other suitable material.
8. This permit shall not preclude DES from taking any enforcement or revocation action if DES later determines that any of the structures depicted as "existing" on the plans submitted by the applicant were not previously permitted or grandfathered.

2011-00861 AMIR REALTY TRUST
HAMPSTEAD Sunset Lake

Requested Action:

Impact 1,700 sq ft in order to construct an addition, replace deck and septic system.

APPROVE PERMIT:

Impact 1,700 sq ft in order to construct an addition, replace deck and septic system.

With Conditions:

1. All work shall be in accordance with plans by V. W. Dingman & Sons dated August 16, 2010 and received by the NH Department of Environmental Services (DES) on April 25, 2011.
2. This permit is contingent on approval by the DES Subsurface Systems Bureau.
3. No more than 15.2% of the area of the lot within the protected shoreland shall be covered by impervious surfaces unless additional approval is obtained from DES.
4. In order to remain compliant with RSA 483-B:9, V, (b), (2), the 4,170 sq ft of the existing native vegetation between 50 feet and 150 feet from the reference, as delineated on plans received by DES, must remain in an unaltered state.
5. Erosion and siltation controls shall be appropriate to the size and nature of the project and to the physical characteristics of the site, including slope, soil type, vegetative cover, and proximity to wetlands or surface waters.
6. All activities conducted in association with the completion of this project shall be conducted in a manner that complies with applicable criteria of Administrative Rules Chapter Env-Wq 1400 and RSA 483-B during and after construction.
7. No person undertaking any activity in the protected shoreland shall cause or contribute to, or allow the activity to cause or contribute to, any violations of the surface water quality standards established in Env-Ws 1700 or successor rules in Env-Wq 1700.
8. Any fill used shall be clean sand, gravel, rock, or other suitable material.
9. This permit shall not preclude DES from taking any enforcement or revocation action if DES later determines that any of the structures depicted as "existing" on the plans submitted by the applicant were not previously permitted or grandfathered.

2011-00863 PORTSMOUTH DPW, CITY OF
PORTSMOUTH Sagamore Creek

Requested Action:

Impact 2,150 sq ft for the purpose of creating new approach necessary for new bridge construction.

APPROVE PERMIT:

Impact 2,150 sq ft for the purpose of creating new approach necessary for new bridge construction.

With Conditions:

1. All work shall be in accordance with plans by Normandeau Associates last revised March, 2011 and received by the Department of Environmental Services ("DES") on April 15, 2011.
2. There shall be no impacts within wetlands, surface waters, or their banks until any permit as may be required under RSA 482-A has been obtained.
3. This permit is contingent upon receiving all necessary approvals from the NH DES Alteration of Terrain Bureau.
4. All activities conducted in association with the completion of this project shall be conducted in a manner that complies with applicable criteria of Administrative Rules Chapter Env-Wq 1400 and RSA 483-B during and after construction.

5. Erosion and siltation control measures shall be installed prior to the start of work, be maintained throughout the project, and remain in place until all disturbed surfaces are stabilized.
6. Erosion and siltation controls shall be appropriate to the size and nature of the project and to the physical characteristics of the site, including slope, soil type, vegetative cover, and proximity to wetlands or surface waters.
7. No person undertaking any activity in the protected shoreland shall cause or contribute to, or allow the activity to cause or contribute to, any violations of the surface water quality standards established in Env-Ws 1700 or successor rules in Env-Wq 1700.
8. Any fill used shall be clean sand, gravel, rock, or other suitable material.
9. The contractor responsible for completion of the work shall utilize techniques described in the New Hampshire Stormwater Manual, Volume 3, Erosion and Sediment Controls During Construction (December 2008).
10. Within three days of final grading or temporary suspension of work in an area that is in or adjacent to wetlands or surface waters, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack or netting and pinning on slopes steeper than 3:1.
11. Silt fencing must be removed once the area is stabilized.

2011-00865 BLACKWOOD, PAUL
ALTON Merrymeeting Lake

Requested Action:

Impact 315 sq ft in order to construct a deck and shed located within the 50 ft buffer.

APPROVE PERMIT:

Impact 315 sq ft in order to construct a deck and shed located within the 50 ft buffer.

With Conditions:

1. All work shall be in accordance with plans by Paul Blackwood dated April 1, 2011 and received by the NH Department of Environmental Services (DES) on April 25, 2011.
2. No more than 12% of the area of the lot within the protected shoreland shall be covered by impervious surfaces unless additional approval is obtained from DES.
3. All activities conducted in association with the completion of this project shall be conducted in a manner that complies with applicable criteria of Administrative Rules Chapter Env-Wq 1400 and RSA 483-B during and after construction.
4. Erosion and siltation controls shall be appropriate to the size and nature of the project and to the physical characteristics of the site, including slope, soil type, vegetative cover, and proximity to wetlands or surface waters.
5. No person undertaking any activity in the protected shoreland shall cause or contribute to, or allow the activity to cause or contribute to, any violations of the surface water quality standards established in Env-Ws 1700 or successor rules in Env-Wq 1700.
6. Any fill used shall be clean sand, gravel, rock, or other suitable material.
7. This permit shall not preclude DES from taking any enforcement or revocation action if DES later determines that any of the structures depicted as "existing" on the plans submitted by the applicant were not previously permitted or grandfathered.

2011-00874 TURRISI, KAREN
ALSTEAD Warren Lake

Requested Action:

Impact 700 sq ft in order to replace foundation and construct a foundation drain.

APPROVE PERMIT:

Impact 700 sq ft in order to replace foundation and construct a foundation drain.

With Conditions:

1. All work shall be in accordance with plans by John A. Bolles Construction dated April 1, 2011 and received by the NH Department of Environmental Services (DES) on April 26, 2011.
2. No more than 2% of the area of the lot within the protected shoreland shall be covered by impervious surfaces unless additional approval is obtained from DES.
3. All activities conducted in association with the completion of this project shall be conducted in a manner that complies with applicable criteria of Administrative Rules Chapter Env-Wq 1400 and RSA 483-B during and after construction.
4. Erosion and siltation controls shall be appropriate to the size and nature of the project and to the physical characteristics of the site, including slope, soil type, vegetative cover, and proximity to wetlands or surface waters.
5. No person undertaking any activity in the protected shoreland shall cause or contribute to, or allow the activity to cause or contribute to, any violations of the surface water quality standards established in Env-Ws 1700 or successor rules in Env-Wq 1700.
6. Any fill used shall be clean sand, gravel, rock, or other suitable material.
7. This permit shall not preclude DES from taking any enforcement or revocation action if DES later determines that any of the structures depicted as "existing" on the plans submitted by the applicant were not previously permitted or grandfathered.

2011-00893 GREER 2006 TRUST AGREEMENT
MEREDITH Lake Winnepesaukee

Requested Action:

Impact 1,320 sq ft in order to remove existing shed and construct a laundry/utility building.

APPROVE PERMIT:

Impact 1,320 sq ft in order to remove existing shed and construct a laundry/utility building.

With Conditions:

1. All work shall be in accordance with plans by Ames Associates dated April 13, 2011 and received by the NH Department of Environmental Services (DES) on April 28, 2011.
2. This permit is contingent on approval by the DES Subsurface Systems Bureau.
3. No more than 16.2% of the area of the lot within the protected shoreland shall be covered by impervious surfaces unless additional approval is obtained from DES.
4. All activities conducted in association with the completion of this project shall be conducted in a manner that complies with applicable criteria of Administrative Rules Chapter Env-Wq 1400 and RSA 483-B during and after construction.
5. Erosion and siltation controls shall be appropriate to the size and nature of the project and to the physical characteristics of the site, including slope, soil type, vegetative cover, and proximity to wetlands or surface waters.
6. No person undertaking any activity in the protected shoreland shall cause or contribute to, or allow the activity to cause or contribute to, any violations of the surface water quality standards established in Env-Ws 1700 or successor rules in Env-Wq 1700.
7. Any fill used shall be clean sand, gravel, rock, or other suitable material.
8. This permit shall not preclude DES from taking any enforcement or revocation action if DES later determines that any of the structures depicted as "existing" on the plans submitted by the applicant were not previously permitted or grandfathered.

2011-00899 EMERSON, SARAH
MADISON Silver Lake

Requested Action:

Impact 1,025 sq ft in order to construct a deck and reduce impervious driveway.

APPROVE PERMIT:

Impact 1,025 sq ft in order to construct a deck and reduce impervious driveway.

With Conditions:

1. All work shall be in accordance with plans by Thaddeus Thorne Surveys Inc. dated April 26, 2011 and received by the NH Department of Environmental Services (DES) on April 29, 2011.
2. No more than 18.9% of the area of the lot within the protected shoreland shall be covered by impervious surfaces unless additional approval is obtained from DES.
3. In order to remain compliant with RSA 483-B:9, V, (b), (2), the 1,823 sq ft of the existing native vegetation between 50 feet and 150 feet from the reference, as delineated on plans received by DES, must remain in an unaltered state.
4. All activities conducted in association with the completion of this project shall be conducted in a manner that complies with applicable criteria of Administrative Rules Chapter Env-Wq 1400 and RSA 483-B during and after construction.
5. Erosion and siltation control measures shall be installed prior to the start of work, be maintained throughout the project, and remain in place until all disturbed surfaces are stabilized.
6. Erosion and siltation controls shall be appropriate to the size and nature of the project and to the physical characteristics of the site, including slope, soil type, vegetative cover, and proximity to wetlands or surface waters.
7. No person undertaking any activity in the protected shoreland shall cause or contribute to, or allow the activity to cause or contribute to, any violations of the surface water quality standards established in Env-Ws 1700 or successor rules in Env-Wq 1700.
8. Any fill used shall be clean sand, gravel, rock, or other suitable material.

2. This permit shall not preclude DES from taking any enforcement or revocation action if DES later determines that any of the structures depicted as "existing" on the plans submitted by the applicant were not previously permitted or grandfathered.

2011-00904 WHELAN, WILLIAM
WOLFEBORO Lake Winnepesaukee

Requested Action:

Impact 1,640 sq ft in order to replace existing patio with bluestone and construct a stone fence around perimeter.

APPROVE PERMIT:

Impact 1,640 sq ft in order to replace existing patio with bluestone and construct a stone fence around perimeter.

With Conditions:

1. All work shall be in accordance with plans by Waterfront Solutions LLC dated April 15, 2011 and received by the NH Department of Environmental Services (DES) on April 29, 2011.
2. No more than 23% of the area of the lot within the protected shoreland shall be covered by impervious surfaces unless additional approval is obtained from DES.
3. In order to remain compliant with RSA 483-B:9, V, (b), (2), the 2,530 sq ft of the existing native vegetation between 50 feet and 150 feet from the reference, as delineated on plans received by DES, must remain in an unaltered state.
4. Erosion and siltation controls shall be appropriate to the size and nature of the project and to the physical characteristics of the site, including slope, soil type, vegetative cover, and proximity to wetlands or surface waters.
5. All activities conducted in association with the completion of this project shall be conducted in a manner that complies with applicable criteria of Administrative Rules Chapter Env-Wq 1400 and RSA 483-B during and after construction.
6. No person undertaking any activity in the protected shoreland shall cause or contribute to, or allow the activity to cause or contribute to, any violations of the surface water quality standards established in Env-Ws 1700 or successor rules in Env-Wq 1700.
7. Any fill used shall be clean sand, gravel, rock, or other suitable material.
8. This permit shall not preclude DES from taking any enforcement or revocation action if DES later determines that any of the structures depicted as "existing" on the plans submitted by the applicant were not previously permitted or grandfathered.

2011-00921 WADE, JONATHAN/LINDA
MOULTONBOROUGH Lake Winnepesaukee

Requested Action:

Impact 9,915 sq ft in order to construct a foundation with a basement under existing residence, a deck, septic system, add an addition and install a new driveway.

APPROVE PERMIT:

Impact 9,915 sq ft in order to construct a foundation with a basement under existing residence, a deck, septic system, add an addition and install a new driveway.

With Conditions:

1. All work shall be in accordance with plans by Ames Associates dated April 27, 2011 and received by the NH Department of Environmental Services (DES) on May 2, 2011.
2. This permit is contingent on approval by the DES Subsurface Systems Bureau.
3. No more than 28.5% of the area of the lot within the protected shoreland shall be covered by impervious surfaces unless additional approval is obtained from DES.
4. In order to remain compliant with RSA 483-B:9, V, (b), (2), the 2,370 sq ft of the existing native vegetation between 50 feet and 150 feet from the reference, as delineated on plans received by DES, must remain in an unaltered state.
5. Erosion and siltation controls shall be appropriate to the size and nature of the project and to the physical characteristics of the site, including slope, soil type, vegetative cover, and proximity to wetlands or surface waters.
6. All activities conducted in association with the completion of this project shall be conducted in a manner that complies with applicable criteria of Administrative Rules Chapter Env-Wq 1400 and RSA 483-B during and after construction.
7. No person undertaking any activity in the protected shoreland shall cause or contribute to, or allow the activity to cause or contribute to, any violations of the surface water quality standards established in Env-Ws 1700 or successor rules in Env-Wq 1700.
8. Any fill used shall be clean sand, gravel, rock, or other suitable material.
9. This permit shall not preclude DES from taking any enforcement or revocation action if DES later determines that any of the structures depicted as "existing" on the plans submitted by the applicant were not previously permitted or grandfathered.

CSPA PERMIT W/VARIANCE

2011-00857 CONLY, DALE/JEANNE
NEW LONDON Little Sunapee Lake

Requested Action:

Impact 11,440 sq ft for the purpose of constructing a new carriage house, additional associated accessory structures, and installing stormwater controls.

APPROVE PERMIT:

Impact 11,440 sq ft for the purpose of constructing a new carriage house, additional associated accessory structures, and installing stormwater controls.

VARIANCE APPROVED: RSA 483-B:9, V(b)(2)(A)(ii) is varied to temporarily alter a region of the natural woodland buffer beyond the minimum standard.

With Conditions:

1. All work shall be in accordance with plans submitted by Pellettieri Associates dated March 24, 2011, and received by the Department of Environmental Services ("DES") on March 29, 2011.
2. This approval includes a variance of RSA 483-B:9, V(b)(ii) and, therefore, shall not be effective until it has been recorded at the appropriate Registry of Deeds and a copy of the recorded waiver is sent to the department by certified mail, return receipt requested.
3. No more than 16.65% of the area of the lot within the protected shoreland shall be composed of impervious surfaces unless additional approval is obtained from DES.
4. No impacts shall occur to natural ground covers within the waterfront buffer.
5. This permit is contingent upon receiving all necessary approvals from the NH DES Subsurface Systems Bureau.
6. The proposed stormwater treatment measures shall be designed, installed and maintained to effectively intercept and infiltrate stormwater.
7. There shall be no impacts within wetlands, surface waters, or their banks until any permit as may be required under RSA 482-A has been obtained.
8. In order to remain compliant with RSA 483-B:9, V, (b), (2), the 7,560 sq ft of unaltered area between 50 ft and 150 ft from the reference line, as delineated on plans received by DES, must remain in an unaltered state.
9. All activities conducted in association with the completion of this project shall be conducted in a manner that complies with applicable criteria of Administrative Rules Chapter Env-Wq 1400 and RSA 483-B during and after construction.
10. Erosion and siltation control measures shall be installed prior to the start of work, be maintained throughout the project, and remain in place until all disturbed surfaces are stabilized.
11. Erosion and siltation controls shall be appropriate to the size and nature of the project and to the physical characteristics of the site, including slope, soil type, vegetative cover, and proximity to wetlands or surface waters.
12. No person undertaking any activity in the protected shoreland shall cause or contribute to, or allow the activity to cause or contribute to, any violations of the surface water quality standards established in Env-Ws 1700 or successor rules in Env-Wq 1700.
13. Any fill used shall be clean sand, gravel, rock, or other suitable material.
14. The contractor responsible for completion of the work shall utilize techniques described in the New Hampshire Stormwater Manual, Volume 3, Erosion and Sediment Controls During Construction (December 2008).
15. Within three days of final grading or temporary suspension of work in an area that is in or adjacent to wetlands or surface waters, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack or netting and pinning on slopes steeper than 3:1.
16. Silt fencing must be removed once the area is stabilized.

With Findings:

1. The applicant or their designated agent hereby request a variance of RSA 483-B:9, V(b)(2)(A)(ii) for the purpose of constructing a new accessory that will disrupt an area of the natural woodland buffer greater than that required to remain in an unaltered state.
2. The literal enforcement of the standard would result in an unnecessary hardship as constructing the accessory structure within only existing altered areas would result in diminished turning radii, cumbersome primary structure entry and limit safe passage of emergency vehicles.
3. Granting the variance will not result in the diminution in the value of the surrounding properties as upon completion of the proposed project areas of the natural woodland buffer will be allowed to revert to an unaltered state so that the sum unaltered state area will be greater than that existing prior to construction.
4. Granting the variance will not be contrary to the spirit of RSA 483-B as stormwater management techniques consisting of rain gardens will be implemented to effectively absorb and infiltrate stormwater associated with the accessory structure's impervious area.
5. Granting the variance will do substantial justice as the project will provide the same or greater degree of protection than those that currently existing by resulting in a greater percentage of area existing in an unaltered state and the ability to infiltrate a greater quantity of stormwater.

CSPA PERMIT W/WAIVER

2011-00438 HAMPSHIRE HOSPITALITY HOLDINGS
MEREDITH Winnepesaukee River

Requested Action:

Impact 7,360 sq ft for the purpose of redeveloping a nonconforming commercial lot.

APPROVE PERMIT:

Impact 7,360 sq ft for the purpose of redeveloping a nonconforming commercial lot.

WAIVER APPROVED: RSA 483-B:9, V(g)(1) is waived to allow the redevelopment of a lot within the protected shoreland that exceeds 30% impervious surface coverage.

With Conditions:

1. All work shall be in accordance with plans submitted by Paul Fluet of Fluet Engineering associates dated February 8, 2011 and received by the Department of Environmental Services ("DES") on March 2, 2011.
2. This approval includes a waiver of RSA 483-B:9, V(g)(1) and, therefore, shall not be effective until it has been recorded at the appropriate Registry of Deeds and a copy of the recorded waiver is sent to the department by certified mail, return receipt requested.
3. No more than 49.32% of the area of the lot within the protected shoreland shall be composed of impervious surfaces unless additional approval is obtained from DES.
4. All pervious technologies used shall be designed, installed and maintained to effectively absorb and infiltrate stormwater.
5. There shall be no impacts within wetlands, surface waters, or their banks until any permit as may be required under RSA 482-A has been obtained.
6. Upon completion of the proposed project, the submitted planting plan shall be implemented and monitored to ensure a 100% planting survival rate.
7. All activities conducted in association with the completion of this project shall be conducted in a manner that complies with applicable criteria of Administrative Rules Chapter Env-Wq 1400 and RSA 483-B during and after construction.
8. Erosion and siltation control measures shall be installed prior to the start of work, be maintained throughout the project, and remain in place until all disturbed surfaces are stabilized.
9. Erosion and siltation controls shall be appropriate to the size and nature of the project and to the physical characteristics of the site, including slope, soil type, vegetative cover, and proximity to wetlands or surface waters.
10. No person undertaking any activity in the protected shoreland shall cause or contribute to, or allow the activity to cause or contribute to, any violations of the surface water quality standards established in Env-Ws 1700 or successor rules in Env-Wq 1700.
11. Any fill used shall be clean sand, gravel, rock, or other suitable material.
12. The contractor responsible for completion of the work shall utilize techniques described in the New Hampshire Stormwater Manual, Volume 3, Erosion and Sediment Controls During Construction (December 2008).
13. Within three days of final grading or temporary suspension of work in an area that is in or adjacent to wetlands or surface waters, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack or netting and pinning on slopes steeper than 3:1.
14. Silt fencing must be removed once the area is stabilized.

With Findings:

1. The existing non-conforming structure is located on a lot that exceeds 30% impervious surface coverage within the protected shoreland adjacent to Lake Winnepesaukee and, therefore, fails to conform to the impervious surface limitation set forth in RSA 483-B:9, V (g)(1), of the CSPA.
2. In accordance with RSA 483-B:11, II, the commissioner shall review proposals which are more nearly conforming than the existing structures, and may waive some of the standards specified in RSA 483-B:9, so long as there is at least the same degree of protection provided to the public waters and the proposal is "more nearly conforming."
3. The applicant has proposed to decrease the impervious area within the protected shoreland by 2,519 sq ft.
4. The applicant has proposed to infiltrate stormwater via a new pervious asphalt parking area.
5. The applicant has proposed significant additions of native plantings within the waterfront buffer.
6. The applicant has proposed to improve stormwater management by decreasing impervious area within the protected shoreland and constructing a parking area with pervious technologies and improve nutrient attenuation and wildlife habitat by planting significant levels of additional, native vegetation, and therefore, meets the requirements for a waiver of RSA 483-B:9 as described in

RSA 483-B: 11, I.

2011-00637 GOSS, TODD/TRACY
HILLSBOROUGH Franklin Pierce Lake

Requested Action:

Impact 2,260 sq ft for the purpose of replacing a nonconforming primary structure and installing a new septic system and stormwater controls.

APPROVE PERMIT:

Impact 2,260 sq ft for the purpose of replacing a nonconforming primary structure and installing a new septic system and stormwater controls.

WAIVER APPROVED: RSA 483-B:9, II(b) is waived to allow the expansion of a primary structure that encroaches upon the primary building setback.

With Conditions:

1. All work shall be in accordance with plans submitted by Sharon Monahan, dated March 24, 2011, and received by the Department of Environmental Services ("DES") on March 29, 2011.
2. This approval includes a waiver of RSA 483-B:9, II (b) and, therefore, shall not be effective until it has been recorded at the appropriate Registry of Deeds and a copy of the recorded waiver is sent to the department by certified mail, return receipt requested.
3. No more than 16.0% of the area of the lot within the protected shoreland shall be composed of impervious surfaces unless additional approval is obtained from DES.
4. No impacts shall occur to natural ground covers within the waterfront buffer.
5. This permit is contingent upon receiving all necessary approvals from the NH DES Subsurface Systems Bureau and installing the proposed septic system.
6. The proposed stormwater treatment measures shall be designed, installed and maintained to effectively intercept and infiltrate stormwater.
7. The proposed plantings within the waterfront buffer shall be completed within one year of the initiation of construction
8. There shall be no impacts within wetlands, surface waters, or their banks until any permit as may be required under RSA 482-A has been obtained.
9. In order to remain compliant with RSA 483-B:9, V, (b), (2), at least 2,775 sq ft of the area between 50 ft and 150 ft from the reference line must remain in an unaltered state.
10. All activities conducted in association with the completion of this project shall be conducted in a manner that complies with applicable criteria of Administrative Rules Chapter Env-Wq 1400 and RSA 483-B during and after construction.
11. Erosion and siltation control measures shall be installed prior to the start of work, be maintained throughout the project, and remain in place until all disturbed surfaces are stabilized.
12. Erosion and siltation controls shall be appropriate to the size and nature of the project and to the physical characteristics of the site, including slope, soil type, vegetative cover, and proximity to wetlands or surface waters.
13. No person undertaking any activity in the protected shoreland shall cause or contribute to, or allow the activity to cause or contribute to, any violations of the surface water quality standards established in Env-Ws 1700 or successor rules in Env-Wq 1700.
14. Any fill used shall be clean sand, gravel, rock, or other suitable material.
15. The contractor responsible for completion of the work shall utilize techniques described in the New Hampshire Stormwater Manual, Volume 3, Erosion and Sediment Controls During Construction (December 2008).
16. Within three days of final grading or temporary suspension of work in an area that is in or adjacent to wetlands or surface waters, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack or netting and pinning on slopes steeper than 3:1.
17. Silt fencing must be removed once the area is stabilized.
18. Upon completion of the proposed project, the exiting septic system shall pose no threat to adjacent surface waters.

With Findings:

1. The existing non-conforming structure is located within the 50 ft primary building setback to Franklin Pierce Lake and, therefore, fails to conform to the setback restriction set forth in RSA 483-B:9, II (b), of the CSPA.
2. In accordance with RSA 483-B:11, II, the commissioner shall review proposals which are more nearly conforming than the existing structures, and may waive some of the standards specified in RSA 483-B:9, so long as there is at least the same degree of protection provided to the public waters and the proposal is "more nearly conforming."
3. The applicant has proposed to increase the setback from the reference line and reduce the impervious area within the waterfront buffer.
4. The applicant has proposed to install stormwater controls consisting of downspouts that direct roof stormwater to drywells and placement of water bars within the pathway to the waterbody.
5. The applicant has proposed to install a new NH DES Subsurface Bureau approved wastewater treatment system.
6. The applicant has proposed to enhance the waterfront buffer with additional, native vegetation.
7. The applicant has proposed to install stormwater controls, install a new septic system, and enhance the waterfront buffer reducing the total amount of impervious surface coverage within the waterfront buffer and planting additional vegetation, and therefore, meets the requirements for a waiver of RSA 483-B:9 as described in RSA 483-B: 11, I.

2011-00649 BULKLEY, BENJAMIN
DURHAM Great Bay

Requested Action:

Impact 13,450 sq ft for the purpose of modifying the footprint of a nonconforming primary structure, constructing new accessory structures, removing an in-ground pool, installing stormwater controls, and a new septic system.

APPROVE PERMIT:

Impact 13,450 sq ft for the purpose of modifying the footprint of a nonconforming primary structure, constructing new accessory structures, removing an in-ground pool, installing stormwater controls, and a new septic system.

WAIVER APPROVED: RSA 483-B:9, II(b) is waived to allow the expansion of a primary structure that encroaches upon the primary building setback.

With Conditions:

1. All work shall be in accordance with revised plans by MJS Engineering, PC, dated April 29, 2011 and received by the Department of Environmental Services ("DES") on May 3, 2011. 2. This approval includes a waiver of RSA 483-B:9, II (b) and, therefore, shall not be effective until it has been recorded at the appropriate Registry of Deeds and a copy of the recorded waiver is sent to the department by certified mail, return receipt requested.
3. No more than 11.1% of the area of the lot within the protected shoreland shall be composed of impervious surfaces unless additional approval is obtained from DES.
4. This permit is contingent upon receiving all necessary approvals from the NH DES Subsurface Systems Bureau.
5. The proposed stormwater treatment measures consisting of a shallow infiltration basin shall be designed, installed and maintained to effectively intercept and infiltrate stormwater. 6. No impacts shall occur to natural ground covers within the waterfront buffer.
7. There shall be no impacts within wetlands, surface waters, or their banks until any permit as may be required under RSA 482-A has been obtained.
8. In order to remain compliant with RSA 483-B:9, V, (b), (2), the 14,794 sq ft of unaltered area between 50 ft and 150 ft of the reference line, as delineated on plans received by DES must remain in an unaltered state.
9. Orange construction fencing shall be placed at the limits of construction to prevent accidental encroachment on areas determined to remain in an unaltered state.
10. All activities conducted in association with the completion of this project shall be conducted in a manner that complies with applicable criteria of Administrative Rules Chapter Env-Wq 1400 and RSA 483-B during and after construction.
11. Erosion and siltation control measures shall be installed prior to the start of work, be maintained throughout the project, and remain in place until all disturbed surfaces are stabilized.
12. Erosion and siltation controls shall be appropriate to the size and nature of the project and to the physical characteristics of the

site, including slope, soil type, vegetative cover, and proximity to wetlands or surface waters.

13. No person undertaking any activity in the protected shoreland shall cause or contribute to, or allow the activity to cause or contribute to, any violations of the surface water quality standards established in Env-Ws 1700 or successor rules in Env-Wq 1700.

14. Any fill used shall be clean sand, gravel, rock, or other suitable material.

15. The contractor responsible for completion of the work shall utilize techniques described in the New Hampshire Stormwater Manual, Volume 3, Erosion and Sediment Controls During Construction (December 2008).

16. Within three days of final grading or temporary suspension of work in an area that is in or adjacent to wetlands or surface waters, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack or netting and pinning on slopes steeper than 3:1.

17. Silt fencing must be removed once the area is stabilized.

18. Upon completion of the proposed project, the exiting septic system shall pose no threat to adjacent surface waters.

With Findings:

1. The existing non-conforming structure is located within the 50 ft primary building setback to the Great Bay and, therefore, fails to conform to the setback restriction set forth in RSA 483-B:9, II (b), of the CSPA.

2. In accordance with RSA 483-B:11, II, the commissioner shall review proposals which are more nearly conforming than the existing structures, and may waive some of the standards specified in RSA 483-B:9, so long as there is at least the same degree of protection provided to the public waters and the proposal is "more nearly conforming."

3. The applicant has proposed to decrease the impervious area within the protected shoreland by 1,226 sq ft.

4. The applicant has proposed to re-grade the existing driveway in a fashion that will allow stormwater to be directed to a new infiltration basin.

5. The applicant has proposed to install stormwater controls and reduce the total amount of impervious surface coverage within the protected shoreland, and therefore, meets the requirements for a waiver of RSA 483-B:9 as described in RSA 483-B: 11, I.

2011-00777 GILPIN, DALE/MARY
ACWORTH Crescent Lake

Requested Action:

Impact 6,500 sq ft for the purpose of expanding the footprint of a nonconforming primary structure, constructing associated accessory structures, installing a new septic system, and stormwater controls.

APPROVE PERMIT:

Impact 6,500 sq ft for the purpose of expanding the footprint of a nonconforming primary structure, constructing associated accessory structures, installing a new septic system, and stormwater controls.

WAIVER APPROVED: RSA 483-B:9, II(b) is waived to allow the expansion of a primary structure that encroaches upon the primary building setback.

With Conditions:

1. All work shall be in accordance with plans by Keyland Enterprises, LLC, dated September 20, 2010 and received by the Department of Environmental Services ("DES") on April 14, 2011 and revised stormwater plans last revised April 28, 2011 and received by the Department on May 6, 2011.

2. This approval includes a waiver of RSA 483-B:9, II (b) and, therefore, shall not be effective until it has been recorded at the appropriate Registry of Deeds and a copy of the recorded waiver is sent to the department by certified mail, return receipt requested.

3. No more than 16.0% of the area of the lot within the protected shoreland shall be composed of impervious surfaces unless additional approval is obtained from DES.

4. This permit is contingent upon receiving all necessary approvals from the NH DES Subsurface Systems Bureau and installing the proposed septic system.

5. The proposed stormwater treatment measures shall be designed, installed and maintained to effectively intercept and divert stormwater to the wooded areas.
6. All pervious technologies used shall be designed, installed and maintained to effectively absorb and infiltrate stormwater.
7. No impacts shall occur to natural ground covers within the waterfront buffer.
8. The vegetation planted shall be monitored, and if necessary, replaced, to ensure 100% survival rate for a period two years following construction.
9. There shall be no impacts within wetlands, surface waters, or their banks until any permit as may be required under RSA 482-A has been obtained.
10. In order to remain compliant with RSA 483-B:9, V, (b), (2), at least 9,219 sq ft of unaltered area between 50 ft and 150 ft of the reference line, as delineated on plans titled, "Shoreland Protection Plans" and received by DES must remain in an unaltered state.
11. Orange construction fencing shall be placed at the limits of construction to prevent accidental encroachment on areas determined to remain in an unaltered state.
12. All activities conducted in association with the completion of this project shall be conducted in a manner that complies with applicable criteria of Administrative Rules Chapter Env-Wq 1400 and RSA 483-B during and after construction.
13. Erosion and siltation control measures shall be installed prior to the start of work, be maintained throughout the project, and remain in place until all disturbed surfaces are stabilized.
14. Erosion and siltation controls shall be appropriate to the size and nature of the project and to the physical characteristics of the site, including slope, soil type, vegetative cover, and proximity to wetlands or surface waters.
15. No person undertaking any activity in the protected shoreland shall cause or contribute to, or allow the activity to cause or contribute to, any violations of the surface water quality standards established in Env-Ws 1700 or successor rules in Env-Wq 1700.
16. Any fill used shall be clean sand, gravel, rock, or other suitable material.
17. The contractor responsible for completion of the work shall utilize techniques described in the New Hampshire Stormwater Manual, Volume 3, Erosion and Sediment Controls During Construction (December 2008).
18. Within three days of final grading or temporary suspension of work in an area that is in or adjacent to wetlands or surface waters, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack or netting and pinning on slopes steeper than 3:1.
19. Silt fencing must be removed once the area is stabilized.

With Findings:

1. The existing non-conforming structure is located within the 50 ft primary building setback to Crescent Lake and, therefore, fails to conform to the setback restriction set forth in RSA 483-B:9, II (b), of the CSPA.
2. The applicant has proposed to decrease the impervious area within the waterfront buffer.
3. The applicant has proposed to install stormwater controls consisting of infiltration trenches under the drip-line of the proposed structure.
4. The applicant has proposed to regrade the existing driveway in a fashion that will allow stormwater to be directed to a wooded area where it will be infiltrated.
5. The applicant has proposed to direct water from a foundation drain into a plunge pool.
6. The applicant has proposed to enhance the waterfront buffer with additional, native vegetation.
7. The applicant has proposed to install a new NH DES Subsurface Bureau approved wastewater treatment system.
8. The applicant has proposed to install sound stormwater controls, install a new septic system and enhance the waterfront buffer, and therefore, meets the requirements for a waiver of RSA 483-B:9 as described in RSA 483-B:11, I.

2011-00824 MANSELL, LIBBIE
CENTER HARBOR Squam Lake

Requested Action:

Impact 4,270 sq ft for the purpose of expanding the footprint of a nonconforming primary structure, installing a new septic system, and stormwater controls.

APPROVE PERMIT:

Impact 4,270 sq ft for the purpose of expanding the footprint of a nonconforming primary structure, installing a new septic system,

and stormwater controls.

WAIVER APPROVED: RSA 483-B:9, II(b) is waived to allow the expansion of a primary structure that encroaches upon the primary building setback.

With Conditions:

1. All work shall be in accordance with plans by Ames Associates and dated April 8, 2011 and received by the Department of Environmental Services ("DES") on April 20, 2011.
2. This approval includes a waiver of RSA 483-B:9, II (b) and, therefore, shall not be effective until it has been recorded at the appropriate Registry of Deeds and a copy of the recorded waiver is sent to the department by certified mail, return receipt requested.
3. No more than 21.6% of the area of the lot within the protected shoreland shall be composed of impervious surfaces unless additional approval is obtained from DES.
4. In order to remain compliant with RSA 483-B:9, V, (b), (2), the 1,270 sq ft of unaltered area between 50 ft and 150 ft of the reference line, including the regions to be restored, as delineated on plans titled, "Proposed Conditions Plan" and received by DES must remain in an unaltered state.
5. This permit is contingent upon receiving all necessary approvals from the NH DES Subsurface Systems Bureau and installing the proposed septic system.
6. The proposed stormwater treatment measures shall be designed, installed and maintained to effectively intercept and infiltrate stormwater.
7. No impacts shall occur to natural ground covers within the waterfront buffer.
8. The proposed plantings in the waterfront buffer shall be completed within one year of the initiation of construction and achieve a 100% success rate.
9. There shall be no impacts within wetlands, surface waters, or their banks until any permit as may be required under RSA 482-A has been obtained.
10. Orange construction fencing shall be placed at the limits of construction to prevent accidental encroachment on areas determined to remain in an unaltered state.
11. All activities conducted in association with the completion of this project shall be conducted in a manner that complies with applicable criteria of Administrative Rules Chapter Env-Wq 1400 and RSA 483-B during and after construction.
12. Erosion and siltation control measures shall be installed prior to the start of work, be maintained throughout the project, and remain in place until all disturbed surfaces are stabilized.
13. Erosion and siltation controls shall be appropriate to the size and nature of the project and to the physical characteristics of the site, including slope, soil type, vegetative cover, and proximity to wetlands or surface waters.
14. No person undertaking any activity in the protected shoreland shall cause or contribute to, or allow the activity to cause or contribute to, any violations of the surface water quality standards established in Env-Ws 1700 or successor rules in Env-Wq 1700.
15. Any fill used shall be clean sand, gravel, rock, or other suitable material.
16. The contractor responsible for completion of the work shall utilize techniques described in the New Hampshire Stormwater Manual, Volume 3, Erosion and Sediment Controls During Construction (December 2008).
17. Within three days of final grading or temporary suspension of work in an area that is in or adjacent to wetlands or surface waters, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack or netting and pinning on slopes steeper than 3:1.
18. Silt fencing must be removed once the area is stabilized.

With Findings:

1. The existing non-conforming structure is located within the 50 ft primary building setback to Squam Lake and, therefore, fails to conform to the setback restriction set forth in RSA 483-B:9, II (b), of the CSPA.
2. In accordance with RSA 483-B:11, II, the commissioner shall review proposals which are more nearly conforming than the existing structures, and may waive some of the standards specified in RSA 483-B:9, so long as there is at least the same degree of protection provided to the public waters and the proposal is "more nearly conforming."
3. The applicant has proposed to install stormwater controls consisting of infiltration trenches under the drip edges of the proposed structure.
4. The applicant has proposed to install a new NH DES Subsurface Bureau approved effluent disposal system.
5. The applicant has proposed to allow 495 sq ft of natural woodland buffer to revert to, and be maintained in, an unaltered state.
6. The applicant has proposed to install stormwater controls, install a new septic system and enhance the natural woodland buffer, and therefore, meets the requirements for a waiver of RSA 483-B:9 as described in RSA 483-B: 11, I.

